

ESTTA Tracking number: **ESTTA1114232**

Filing date: **02/12/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
Correspondence Address	MICHAEL R. KRINSKY RABINOWITZ BOUDIN STANDARD KRINSKY & LIEBERMAN PC 14 WALL ST, STE 3002 NEW YORK, NY 10005 UNITED STATES Primary Email: mkrinsky@rbskl.com Secondary Email(s): dgoldstein@rbskl.com, lfrank@rbskl.com 212-254-1111
Submission	Plaintiff's Notice of Reliance
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Signature	/Lindsey Frank/
Date	02/12/2021
Attachments	Petitioner Rebuttal NOR - PUBLIC.pdf(485650 bytes ) NOR 01_p1.pdf(640572 bytes ) NOR 01_p2.pdf(217850 bytes ) NOR 02.pdf(3210238 bytes ) NOR 03.pdf(691711 bytes ) NOR 04.pdf(1227098 bytes ) NOR 05.pdf(2572583 bytes ) NOR 06.pdf(3896059 bytes ) NOR 07.pdf(4457007 bytes ) NOR 08.pdf(4269694 bytes ) NOR 09.pdf(2520161 bytes ) NOR 10_1.pdf(1940762 bytes ) NOR 10_2.pdf(1914901 bytes ) NOR 10_3.pdf(2266257 bytes ) NOR 11.pdf(209586 bytes ) NOR 12.pdf(506562 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

Petitioner *Empresa Cubana del Tabaco dba Cubatabaco* ("Petitioner" or "Cubatabaco") hereby notifies the Trademark Trial and Appeal Board and Respondent General Cigar Co., Inc. ("Respondent" or "General Cigar") that Petitioner intends to rely on the documents and testimony identified herein, true and accurate copies of which are filed herewith, in the trial of the above-captioned matter, as well as: additional trial testimony taken or to be taken and filed or to be filed in this matter; Petitioner's previously filed Notice of Reliance and documents filed therewith; and the other documents and testimony taken and filed or to be filed in this proceeding. To the extent, if any, not otherwise admissible, the documents introduced by this Notice of Reliance are admissible pursuant to the Stipulation, dated January 6, 2016 (89 TTABVUE) and approved by Board Order, dated April 1, 2016 (91 TTABVUE) (hereinafter the

“First Trial Stipulation”), Stipulation, dated July 6, 2018 (132 TTABVUE) and approved by Board Order, dated September 12, 2018 (135 TTABVUE) (hereinafter the “Second Trial Stipulation”), and the Stipulation, dated September 26, 2018 (137 TTABVUE) and approved by Board Order, dated 29, 2018 (138 TTABVUE) (hereinafter the “Third Trial Stipulation”).

Nothing stated herein concedes or waives any rights, objections or arguments of Petitioner concerning the admissibility, including on grounds of relevance, hearsay, competence or authenticity, of any document or testimony proffered, filed or referenced by Respondent, and Petitioner reserves all rights.

1. Respondent’s website (downloaded and printed to PDF on January 26, 2021) and

REDACTED

REDACTED promoting or offering for sale its General Cigar COHIBA cigar that it describes as “featuring” “three varieties of Cuban seed tobaccos”, which is relevant to rebut Respondent’s contentions, including, but not limited to, its contention that “General Cigar has not and does not make any claim in advertising or promotion that its COHIBA cigar is of Cuban origin” or as having any connection to Cuba and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1 (similarity of the marks as to appearance, etc.) (hereinafter “Factor 1”), 2 (similarity of the goods) (hereinafter “Factor 2”), 3 (trade channels) (hereinafter “Factor 3”), 7 (nature and extent of actual confusion) (hereinafter “Factor 7”), 9 (variety of goods on which a mark is used) (hereinafter “Factor 9”), 12 (extent of potential confusion) (hereinafter “Factor 12”) and 13 (effect of use) (hereinafter “Factor 13”).

2. Sample social media posts posted by Respondent in between 2015 and 2021 showing that it regularly promotes its COHIBA cigar together with the hashtag “#cohiba” on social media; as well as an REDACTED

REDACTED

These documents are relevant to rebut Respondent's contentions, including, but not limited to, its contention that "General Cigar has not and does not make any claim in advertising or promotion that its COHIBA cigar is of Cuban origin" or as having any connection to Cuba and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 7, 12 and 13.

3. REDACTED

These documents are relevant to rebut Respondent's contentions, including, but not limited to, its contention that "General Cigar has not and does not make any claim in advertising or promotion that its COHIBA cigar is of Cuban origin" or as having any connection to Cuba and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4 (sophistication of buyers), 5 (fame of prior mark), 6 (number and nature of similar marks in use on similar goods), 7, 12 and 13.

4. Respondent's Press Release dated March 3, 2005 announcing the debut of



Respondent's Cohiba miniature cigars with a manufacturer's suggested retail price of \$10.99 for a pack of 10 cigars. [REDACTED]

[REDACTED] and that General Cigar's miniature cigars sold for as little as \$13.95 in 2019, less than the price of a pack of cigarettes in New York City. *See* Declaration of Annalisa Martini No. 3, at ¶24, 215 TTABVue 55-60. This document is relevant to rebut Respondent's contentions, including, but not limited to, its contention that General Cigar's COHIBA cigars are expensive and that the relevant U.S. consumers of cigars are careful purchasers and there is no likelihood of confusion, including *du Pont* factors 1, 2, 3, 4 and 12.

5. Letter dated August 2, 2013, from Respondent to Elite Mobile Cigars in California. In this document, Respondent objects to Elite Mobile Cigars' distribution of what Respondent called "counterfeit" COHIBA cigars and asserting that "any cigars bearing the [Respondent's] COHIBA® mark with yellow, black and white trade dress, the 'Behike' name or logo, or the words 'Cuba' or 'Havana'" infringe upon Respondent's COHIBA trademark registration. This document is relevant to rebut Respondent's contentions, including, but not limited to, its contention that "General Cigar COHIBA cigar sold by General Cigar to U.S. cigar consumers is distinctly different from, and not likely to be confused with, the 'Cohiba' cigar" which uses black, white and yellow motifs, *see* Abbot Declaration, at ¶¶43-44, 287 TTABVue 25-27, and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4, 5, 6, 7, 12 and 13. This document additionally equitably estops Respondent from denying or contesting the allegations, arguments, testimony and other evidence advanced by Respondent in this document.

6. Declaration of David Bullock, Respondent's former Vice President of Field Sales,

GENC0024292-97, in support of Respondent’s Motion for Summary Judgment in *General Cigar Co., Inc. vs. Cohiba Caribbean’s Finest, Inc., et al.*, Case No. 2006-cv-00575, U.S. District Court for the District of Nevada (“*GCC vs. Cohiba Caribbean’s Finest*”) (D.E. 232, Oct. 15, 2007), in which General Cigar asserted that that defendant’s use of the COHIBA mark displayed



as, , was likely to be confused with Respondent’s COHIBA mark. *See* Petitioner’s NOR 27, 169 TTABVue 524-541. This Declaration is also Exhibit 23 to the discovery Deposition Transcript of Deposition of Eugene Paul Richter, III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017 (the “30(b)(6) Discovery Deposition”). In this Declaration, Mr. Bullock declared, without limitation, that: he had been employed by Respondent since 1996 (at that point for over ten (10) years); he “received” “reports” that “the ‘COHIBA Caribbean’s Finest’ products, including cigars and rum, cause confusion with General Cigar’s genuine COHIBA® cigar products” (¶9; *see also* ¶15); “[b]ased on [his] years of experience in the cigar industry, the relatively low price of cigars results in cigar consumers not being especially discerning or cautious when making purchasing decisions” (¶13); the “word mark ‘COHIBA’ appears on all of General Cigar’s COHIBA® cigars in a bold upper case font which dominates the design of the cigar bands and packaging” (¶11); and that defendant “display[s] the word ‘COHIBA’ in the virtually identical bold upper case font used by General Cigar,” (¶¶11-12). To the extent not otherwise admissible, Petitioner requests that the Board take judicial notice of this Declaration pursuant to Rule 201, Federal Rules of Evidence. This Declaration is relevant to rebut Respondent’s contentions, including, but not limited to, its contention that: there is no actual confusion by U.S. consumer between the General Cigar and Cuban COHIBA cigars; the relevant U.S. consumers of cigars are careful purchasers;

Respondent uses a trade dress for its COHIBA cigar that is distinctly different from the trade dress of the Cuban COHIBA cigar; the General Cigar COHIBA cigar is distinctly different from, and not likely to be confused with, the Cuban COHIBA cigar; and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4, 5, 6, 7, 12 and 13. This Declaration additionally equitably estops Respondent from denying or contesting the allegations, arguments, testimony and other evidence advanced by Respondent in this document.

7. Application and specimen submitted by R&E Cigars in U.S. Serial No. 78771774 for the mark COHIBA CARIBBEAN'S FINEST CIGAR for cigars and cigar bands, downloaded from the USPTO's Trademark Status & Document Retrieval (TSDR), <https://tsdr.uspto.gov>. R&E Cigars was one of the defendants in *GCC vs. Cohiba Caribbean's Finest*. The specimen submitted in this application was:



This application claimed black, white and yellow as colors. This application and specimen were also included as Exhibit G in Respondent's Complaint in *GCC vs. Cohiba Caribbean's Finest*, that was produced by Respondent to Petitioner in the instant proceeding (without color) as GENC0022282-89. Petitioner also includes GENC0022282-89 in this Rebuttal Notice of Reliance ("NOR") Exhibit. To the extent not otherwise admissible, Petitioner requests that the Board take judicial notice of this application and specimen pursuant to Rule 201, Federal Rules of Evidence.

As indicated above in Rebuttal NOR 6, General Cigar asserted in *GCC vs. Cohiba Caribbean's Finest* that this mark was likely to be confused with Respondent's COHIBA mark and that this "display [of] the word 'COHIBA'" is "in the virtually identical bold upper case font used by General Cigar." *See supra* Rebuttal NOR 6. This document is relevant to rebut

Respondent's contentions, including, but not limited to, its contention that: Respondent uses a trade dress for its COHIBA cigar that is distinctly different from the trade dress of the Cuban COHIBA cigar; the General Cigar COHIBA cigar is distinctly different from, and not likely to be confused with, the Cuban COHIBA cigar; and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 5, 7, 12 and 13.

8. Declaration of David Bullock, GENC0025541-46, in support of Respondent's Order to Show Cause Why a Preliminary Injunction Should Not Issue in *General Cigar Co., Inc. vs. Southern Smoke L.L.C., et al.*, Case No. 2006-cv-00202, U.S. District Court for the Southern District of Georgia (hereinafter, "*GCC vs. Southern Smoke*") (D.E. 6, Sept. 14, 2006), in which General Cigar asserted that that defendant's use of what Respondent called the "Yellow Band Cohiba" mark whose lettering was displayed as, **COHIBA**, was likely to be confused with Respondent's COHIBA mark. See Petitioner's NOR 30, 169 TTABVue 615-32. This Declaration is also Exhibit 35 to the 30(b)(6) Discovery Deposition.

In this Declaration, Mr. Bullock declares, without limitation, that: he "received" "reports" that "the Yellow Band COHIBA cigars are causing confusion with General Cigar's genuine COHIBA® cigar products" (¶9; see also ¶15); "[g]iven the relatively low retail price of cigars, cigar consumers are not especially discerning when making purchasing decisions" (¶13); and that defendants in *GCC vs. Southern Smoke* "presented" the "COHIBA word ... in the virtually identical bold black upper case font used by General Cigar," (¶¶11-12). To the extent not otherwise admissible, Petitioner requests that the Board take judicial notice of this Declaration pursuant to Rule 201, Federal Rules of Evidence. This Declaration is relevant to rebut Respondent's contentions, including, but not limited to, its contention that: there is no actual confusion by U.S. consumer between the General Cigar and Cuban COHIBA cigars; the relevant

U.S. consumers of cigars are careful purchasers; Respondent uses a trade dress for its COHIBA cigar that is distinctly different from the trade dress of the Cuban COHIBA cigar; the General Cigar COHIBA cigar is distinctly different from, and not likely to be confused with, the Cuban COHIBA cigar; and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4, 5, 6, 7, 12 and 13. This Declaration additionally equitably estops Respondent from denying or contesting the allegations, arguments, testimony and other evidence advanced by Respondent in this Declaration.

9. Clearer copy of Exhibit 6 to the discovery Deposition Transcript of Edward Lahmann, taken on November 16, 2017 (“Lahmann Deposition”). Exhibit 6 consists of a document Bates labelled CT0033025-41 (the “Document”). This Document is also Exhibit 16 to the discovery Deposition of Steven Abbot, taken on September 26, 2017; Exhibit 12 to the discovery Deposition Transcript of Augustin Martinez, III, taken on September 28, 2017 (“Martinez Deposition”); Exhibit 8 to the discovery Deposition Transcript of Andres Maturen Maal, taken on October 11, 2017; Exhibit 6 to the discovery Deposition Transcript of Victoria McKee Jaworski, taken on October 13, 2017; Exhibit 8 to the discovery Deposition Transcript of Michael Harris, taken on September 14, 2017; and Exhibit 10 to the discovery Deposition Transcript of Eugene Paul Richter, III, taken on November 2, 2017. This Document is a portion of Respondent’s Facebook page for its COHIBA cigar. In it, Respondent includes a “Milestones” section with six (6) dates, one of which is “1982” when Respondent states “Cohiba goes worldwide – Cohiba cigars are introduced worldwide, with the exception of the United States. The introduction features three sizes: Panatela, Corona Especial and Lancero” and shows an image of Respondent’s COHIBA cigars.

This 1982 Milestone clearly refers to the *Cuban* COHIBA cigar and its worldwide

Evidence in *Empresa Cubana del Tabaco vs. Culbro Corp.*, Case No. 97-cv-8399, S.D.N.Y., introduced in this proceeding, establishes that 1982 was when the *Cuban* COHIBA cigar was first commercialized internationally. Respondent has *never* sold its COHIBA cigars outside the United States; the Cuban COHIBA cigar is the only COHIBA cigar that has been sold outside the United States [REDACTED]

9

REDACTED



Respondent's Milestone entry referring to the *Cuban* COHIBA cigar and worldwide distribution of same (except for the United States), but showing an image of *Respondent's* COHIBA cigars, was on Respondent's Facebook page from July 25, 2012 through at least June 6, 2017 (the date of the download produced by Petitioner to Respondent in this proceeding). *See* Lahmann Deposition, at 113:3-115:8 & Exhibit 8 attached thereto.

The above-identified Deposition testimony is being offered as trial evidence pursuant to the Stipulations between the Parties, identified above, and will be filed with the Board pursuant to the marking and filing procedure the Board has previously approved. This Document is relevant to rebut Respondent's contentions, including, but not limited to, its contention that: Respondent does not promote or advertise the COHIBA cigar to consumers as originating in Cuba or as having any connection to Cuba; and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4, 5, 7, 12 and 13. It is also relevant because it provides a clearer and truer image of the Document.

10. Clearer copies of Exhibits 2-9, 11-18 to the discovery Deposition Transcript of

Deposition of Eugene Paul Richter, III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017 (the “30(b)(6) Exhibits”). The above-identified Deposition and 30(b)(6) Exhibits (together with other deposition exhibits) are being offered as trial evidence pursuant to 37 C.F.R. § 2.120(k)(1) and will be filed with the Board pursuant to the marking and filing procedure the Board has previously approved. In addition, these 30(b)(6) Exhibits are admissible pursuant to the Parties’ Stipulations.

REDACTED

These 30(b)(6) Exhibits are relevant to rebut Respondent’s contentions, including, but not limited to, its contention that: Respondent uses a trade dress for its COHIBA cigar that is distinctly different from the trade dress of the Cuban COHIBA cigar; that the General Cigar COHIBA cigar is distinctly different from, and not likely



to be confused with, the Cuban COHIBA cigar; the relevant U.S. consumers of cigars are careful purchasers; and there is no Bad Faith or likelihood of confusion, including *du Pont* factors 1, 2, 3, 4, 5, 6, 7, 12 and 13. These 30(b)(6) Exhibits additionally equitably estop Respondent from denying or contesting the allegations, arguments, testimony and other evidence advanced by Respondent in these documents. They are also relevant because they provide a clearer and truer image of the 30(b)(6) Exhibits.

11. General Cigar Co., Inc.'s Responses and Objections to Empresa Cubana del Tabaco, d.b.a. Cubatabaco's Third Set of Requests for the Production of Documents in this proceeding, dated February 8, 2018. This document is relevant to rebut Respondent's contentions, including, but not limited to, its attempt to question the reasons for the departure of Alan S. Willner as an employee of Respondent. Mr. Willner was Respondent's Vice President of Marketing and Interim President. Respondent has refused to produce "The personnel file for Alan S. Willner for his employment with Respondent; and all Documents concerning: any evaluations of Alan S. Willner; any performance reviews of Alan S. Willner; the promotion of Alan S. Willner; the departure of Alan S. Willner from General Cigar in or around late 2016; and any claim made by Alan S. Willner or his attorney concerning his departure from General Cigar, or settlement of same."

12. General Cigar Co., Inc.'s Responses and Objections to Empresa Cubana del Tabaco, d.b.a. Cubatabaco's Second Set of Interrogatories in this proceeding, dated April 28, 2017. This document is relevant to rebut any attempt by Respondent to question the author or creation dates of documents produced by Respondent during discovery and introduced at trial.

13. Petitioner has already submitted in its Notice of Reliance General Cigar Co., Inc.'s Responses and Objections to Empresa Cubana del Tabaco, d.b.a. Cubatabaco's Second Set

of Requests for the Production of Documents in this proceeding, dated November 6, 2017. 169 TTABVUE 680-691. Petitioner additionally relies on this document to rebut Respondent's contentions that: the cigar-consuming public makes an association between Cuba and cigars as a product class; and Respondent's references in its company documents to "Cuban equities", "Cuban halo", "Cuban brand association" and other references to "Cuba" "simply acknowledge" Respondent's contention that the cigar-consuming public makes an association between Cuba and cigars as a product class.

Dated: Brooklyn, New York  
February 12, 2021

Respectfully submitted,

By:/Lindsey Frank/

Michael Krinsky

Lindsey Frank

RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.

14 Wall Street, 30th Floor

New York, NY 10005

(212) 254-1111

[lfrank@rbskl.com](mailto:lfrank@rbskl.com)

*Attorneys for Petitioner Empresa Cubana del  
Tabaco*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing PETITIONER'S REBUTTAL NOTICE OF RELIANCE was served by email on Respondent on February 12, 2021 to:

Andrew L. Deutsch  
John Nading  
Joshua Schwartzman  
DLA Piper US LLP  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 335-4673  
[andrew.deutsch@dlapiper.com](mailto:andrew.deutsch@dlapiper.com)  
[john.nading@dlapiper.com](mailto:john.nading@dlapiper.com)  
[joshua.schwartzman@dlapiper.com](mailto:joshua.schwartzman@dlapiper.com)

\_\_\_\_\_/Lindsey Frank/\_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 1 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

COHIBA

☰  
MENU

BLUE

RED DOT

BLACK

MACASSAR

NICARAGUA

CONNECTICUT

ROYALE

SPECTRE

THE COLLECTION

## RED DOT

A modern classic



# COHIBA

☰  
MENU



# COHIBA

☰  
MENU

Synonymous with extravagant taste and complex flavor, true cigar connoisseurs know Cohiba as one of the world's finest cigars. Meticulously handcrafted in the Dominican Republic, Cohiba is the product of masterful blending. Featuring three varieties of Cuban seed tobaccos aged under the watchful eyes of our artisans, Cohiba is a dimensional, slightly-spicy smoke created for the initiated.

#### WRAPPER

Cameroon

#### BINDER

Jember (Indonesian)

#### FILLER

Dominican (Piloto Cubano)

#### FRONTMARKS & SIZES:

- CHURCHILL 7x49
- LONSDALE GRANDE 6.25x47





# COHIBA

☰  
MENU

## FRONTMARKS & SIZES

- CHURCHILL 7x49
- LONSDALE GRANDE 6.25x47
- GIGANTE 6x60
- TORO TUBO 6x50
- CRYSTAL CORONA 5.5x42
- ROBUSTO 5x49
- ROBUSTO FINO 4.75x47
- PEQUENOS 4.18x36
- CORONA MINOR 4x42
- MINIATURES 3.875x24



39%

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1/26/2021

19



# COHIBA

☰  
MENU



FIND RED DOT

# COHIBA

☰  
MENU

FIND RED DOT



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**SURGEON GENERAL WARNING:**  
Cigar Smoking Can Cause Lung  
Cancer And Heart Disease.

©2021 General Cigar



39%

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1/26/2021

19







REDACTED

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REDACTED



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

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In the matter of the Trademark Registration No. 1898273

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Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
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Petitioner,	:	
	:	Cancellation No. 92025859
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GENERAL CIGAR CO., INC. and CULBRO	:	
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**EXHIBIT 1 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

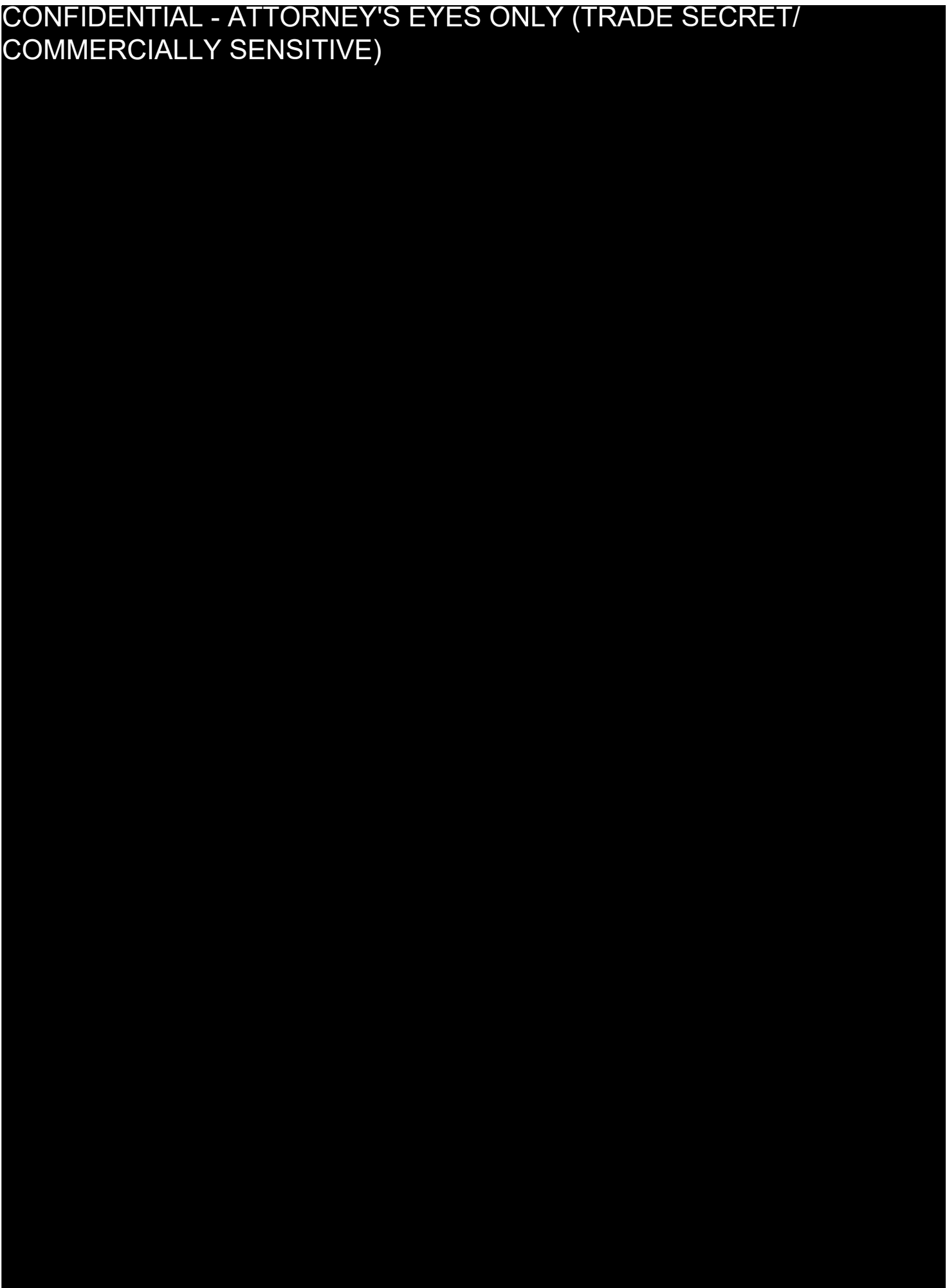
For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 2 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

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**Cohiba Cigars**  
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The weekend starts now.

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5 Retweets 16 Likes



**I am** @HomeRelaxin · Apr 6, 2016  
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@cohiba yes please :)



1



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An early toast to all the fathers out there.

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Replying to @cohiba  
Cheers

1



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@cohiba



Silky and mild with subtle cocoa and caramel accents:  
only the most premium cigars for Father's Day. [bit.ly/2tah1v4](https://bit.ly/2tah1v4)  
[#Cohiba](#)



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Trending with [Supremes](#), [Motown](#)



Trending in United States

**"Damaged"**

17.1K Tweets

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**Tatum Beal**

1,141 Tweets

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**COVID-19: News and updates for New York**



In memoriam · 3 hours ago

**Former NFL coach Marty**



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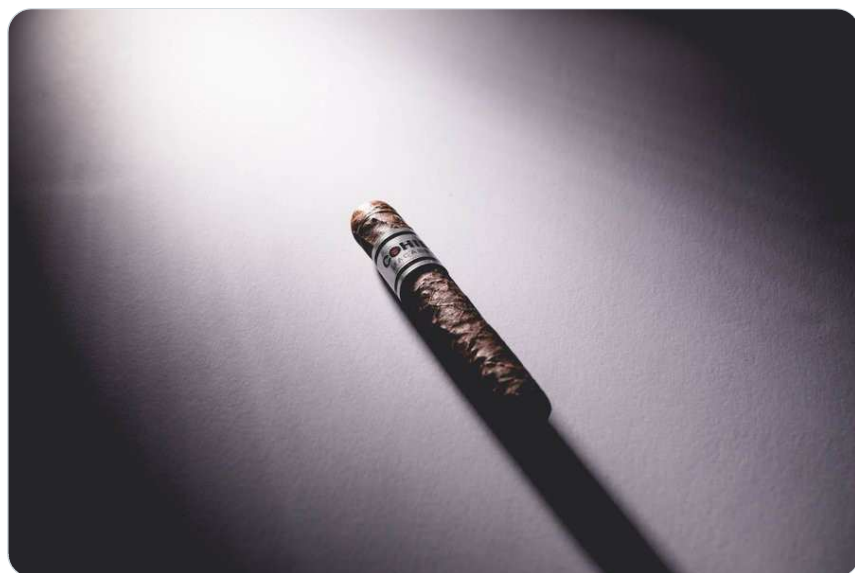
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More than a cigar, it's a statement.

[#Cohiba](#)



6:00 PM · Jun 29, 2018 · Sprout Social

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**Mary Wilson, co-founder of the Supremes, dies at 76**



Trending with [Supremes](#), [RIP Mary Wilson](#)

Trending in United States



**"Damaged"**

17K Tweets

Sports · Trending



**Tatum Beal**

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@cohiba



It's an obsession--no, a ritual.

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**Cohiba Cigars**  
@cohiba

It's time to stack the odds in your favor.

#Cohiba Macassar



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@cohiba



Casual Friday has a new meaning.

#Cohiba



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Replying to @cohiba  
At Norwood Royal Cigars in Chicago's NW Side!!!



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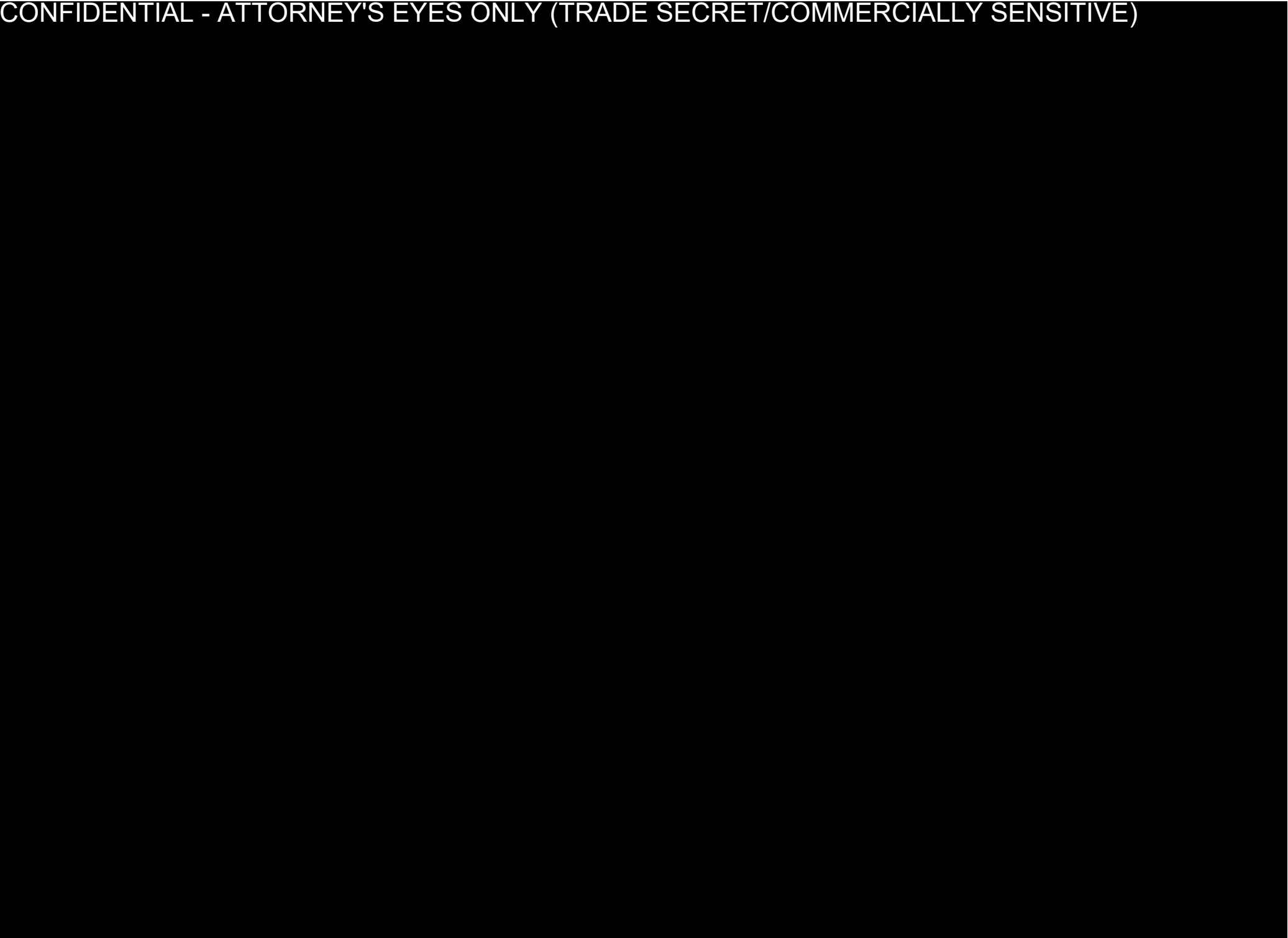
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
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**EXHIBIT 3 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



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[REDACTED]

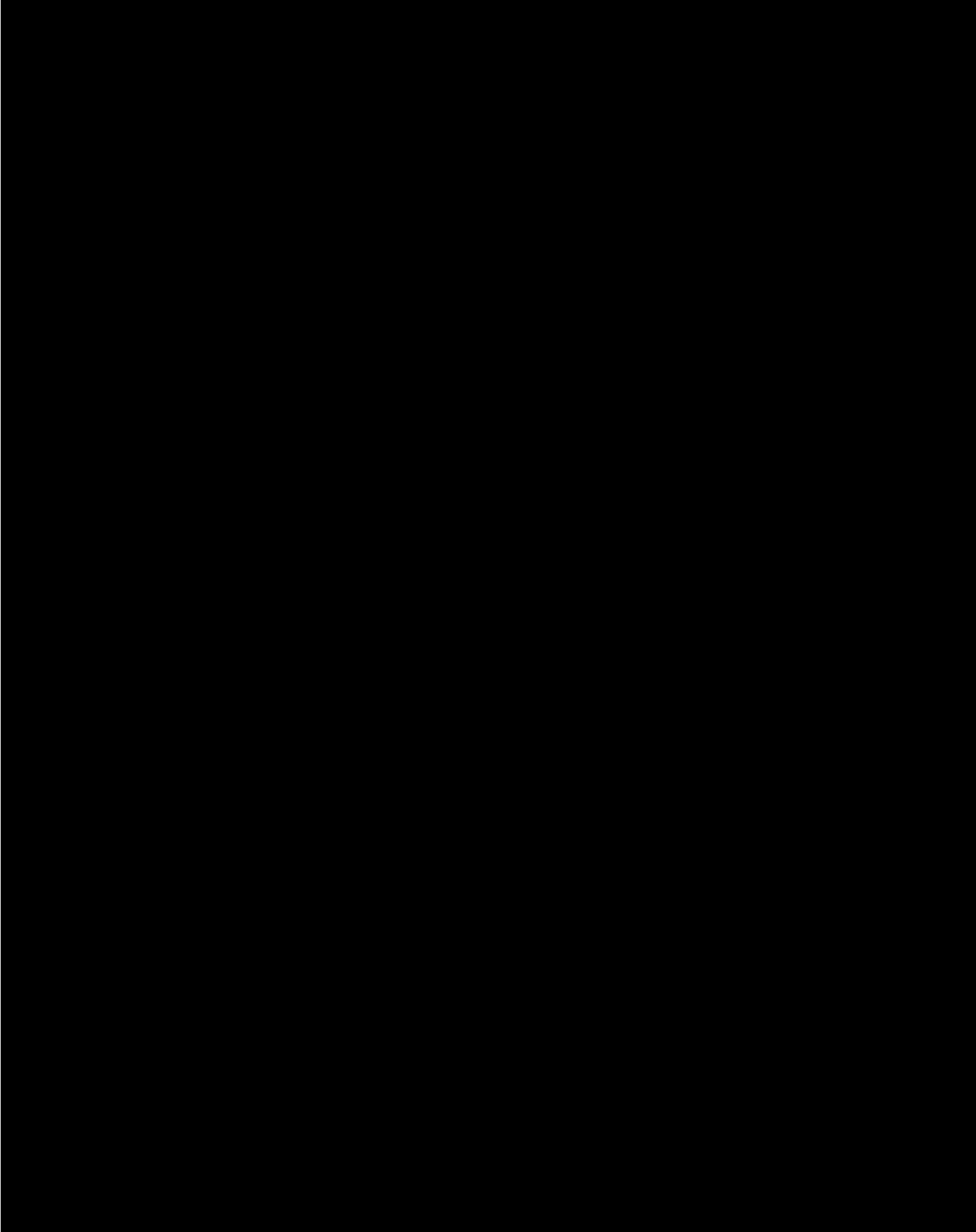
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
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In the matter of Trademark Registration No. 1147309

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AND

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
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CORP.	:	
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Respondents.	:	
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**EXHIBIT 4 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**For Immediate Release**

March 3, 2005  
Contact: Victoria McKee  
General Cigar Co., Inc.  
212.448.3824  
[vmckee@gcigar.com](mailto:vmckee@gcigar.com)

**Cohiba Miniatures to Make Retail Debut**  
**New Product Fueled by Demand for Small Cigars**

New York, NY— Thanks to the upcoming retail debut of Cohiba® Miniatures, tobacconists will soon have a cigarillo-size Cohiba to meet the rising demand for small premium cigars, courtesy of General Cigar, makers of Cohiba cigars.

In April of 2005, select tobacconists will receive their inaugural shipments of Cohiba Miniatures, which will be sent in a handsome display that highlights 75 cigars. The product will be available nationally, starting in May of 2005, for a suggested retail price of \$10.99 for a tin containing 10 cigars.

Cohiba Miniatures measure 3 ¾" x 24, are crafted in the Dominican Republic with the same unique blend of select filler tobaccos as full-size Cohiba cigars, and are also wrapped in the rich sun-grown Cameroon leaf that has made Cohiba cigars a staple in the smoking repertoires of super-premium cigar connoisseurs.

Bill Chilian, director of marketing for General Cigar comments, "Cohiba Miniatures fill a niche within the small cigar category by allowing consumers to experience an outstanding, exquisite-tasting Cohiba cigar in a size that can be enjoyed in a fraction of the time it takes to smoke larger cigars."

General Cigar Co., Inc. manufactures and markets handcrafted cigars for the premium market. Committed to delivering cigars of the finest quality, General Cigar produces Macanudo®, Partagas®, Cohiba®, Punch®, Excalibur®, Hoyo de Monterrey® and several other leading premium brands. In addition, the company grows its own premium Connecticut Shade wrapper tobacco, as well as natural and candela wrapper in the Dominican Republic. General Cigar also operates Club Macanudo®, a cigar bar in New York City. Based in New York City, General Cigar sells through tobacconists nationwide. For the location of the nearest retailer, please visit [www.cigarworld.com](http://www.cigarworld.com)

® Cohiba Miniatures, Macanudo, Partagas, Punch, Excalibur, Hoyo de Monterrey and Club Macanudo are registered trademarks of General Cigar Co., Inc.

# # #

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
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	:	Cancellation No. 92025859
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GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
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-----	X	

**EXHIBIT 5 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



GENERAL CIGAR COMPANY • INC  
10900 NUCKOLS ROAD, SUITE 100 GLEN ALLEN, VA 23060 PHONE 804-935-2800 FAX 804-935-2801

August 2, 2013

**VIA UPS AND E-MAIL**

Elite Mobile Cigars  
Attn: President  
31566 Railroad Canyon Road Ste 2  
Canyon Lake, California 92587-9446

Elite Mobile Cigars  
Attn: President  
31577 Railroad Canyon Road Ste 2  
Canyon Lake, California 92587-9446

MAV@elitemobilecigars.com  
Dave@elitemobilecigars.com

***Re:    Infringement on Cohiba® Trademark by Elite Mobile Cigars ("Elite")***

To Whom It May Concern:

General Cigar Co., Inc. ("General Cigar") is the registered owner of the well-known federal trademark COHIBA®, and General Cigar has exclusive rights to distribute COHIBA® cigars in the United States. It has been brought to my attention that Elite has infringed on General Cigar's trademark rights and violated multiple federal statutes by distributing counterfeit cigars purporting to be COHIBA® cigars and/or contraband COHIBA® cigars of Cuban origin (the "Illegal Cigars") at several events sponsored by Elite. For example, any cigars bearing the COHIBA® mark with yellow, black, and white trade dress, the "Behike" name or logo, or the words "Cuba" or "Havana" are Illegal Cigars. The images shown on the attached Exhibit A provide evidence of events where Elite violated several federal laws by distributing Illegal Cigars.

You are no doubt aware that General Cigar has used and actively promoted the COHIBA® mark for its premium cigars for many years. General Cigar has invested considerable time and financial resources in the COHIBA® mark and established exclusive proprietary rights to the COHIBA® mark in the United States. Accordingly, the COHIBA® mark has achieved incalculable value and great renown among premium cigar consumers. You are no doubt also aware that the importation and distribution of Cuban-origin cigars or counterfeit cigars violates several federal statutes, and is subject to serious civil and criminal penalties.

General Cigar hereby demands that Elite immediately and permanently cease and desist any and all distribution of cigars which utilize the COHIBA® mark but are not manufactured by General Cigar. General Cigar also hereby demands that any and all images of the Illegal Cigars be removed from Elite's website and other marketing and promotional materials. Given the seriousness of this matter, General Cigar demands

Elite Mobile Cigars  
August 2, 2013  
Page 2

that you respond by signing the acknowledgement below on behalf of Elite, mail the original to my attention at the address shown above on or before August 9, 2013, and scan a copy via email to matthew.foote@st-group.com. Your response should also include a telephone number where you can be reached.

Although General Cigar prefers to settle this matter amicably, it reserves the right to take whatever steps it deems necessary to protect its intellectual property, including commencement of litigation.

Sincerely,



Matthew A. Foote  
Associate General Counsel

Attachment (Exhibit A)

cc: Philip D. Oberhansley, Registered Agent  
27250 Via Industria, Suite B  
Temecula, CA 92590

By signing below, Elite acknowledges its agreement to fully comply with the demands set forth above.

Acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_

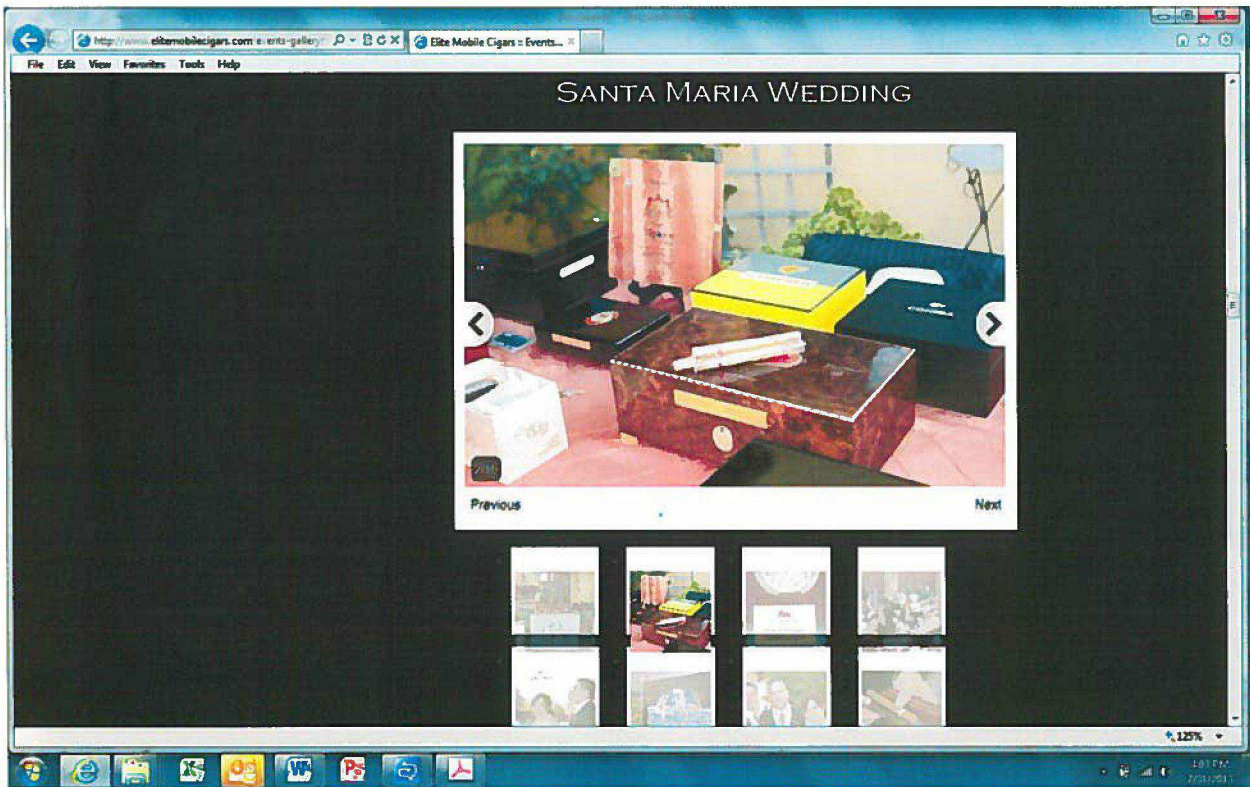
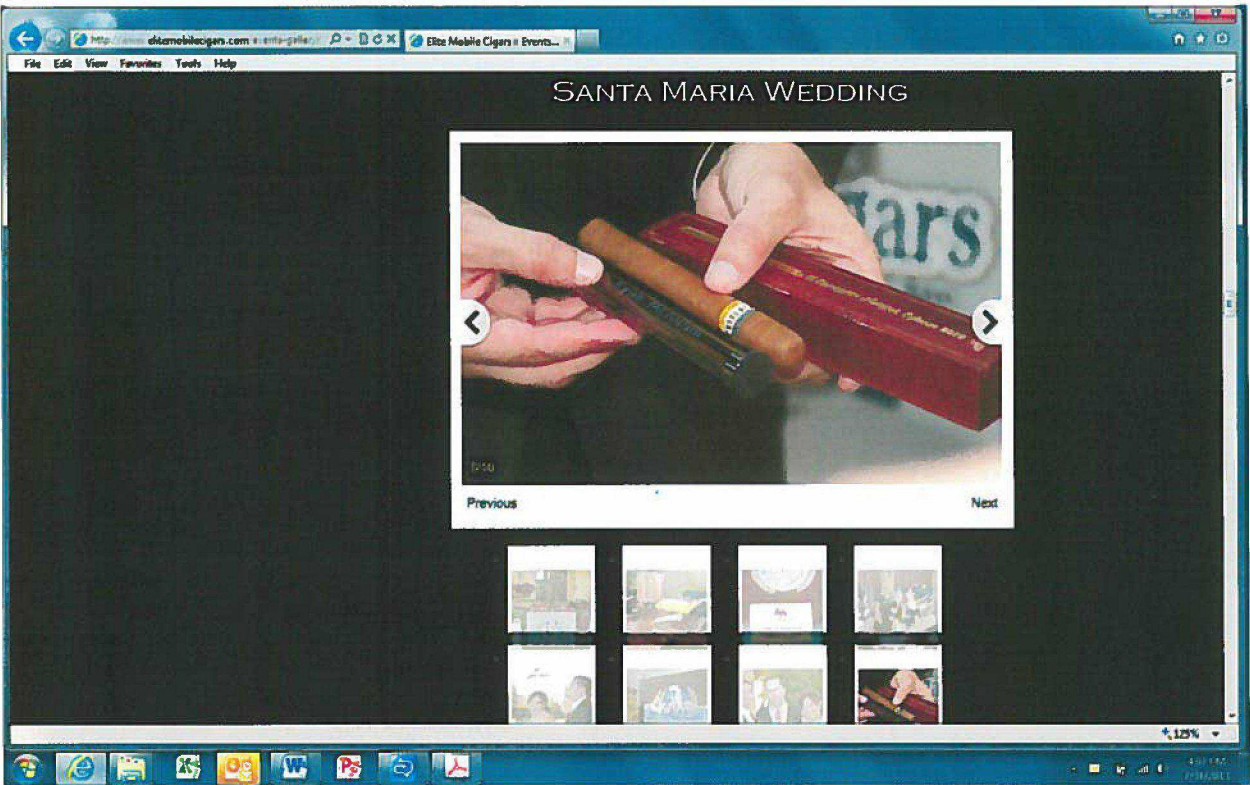
Name: \_\_\_\_\_

Title: \_\_\_\_\_

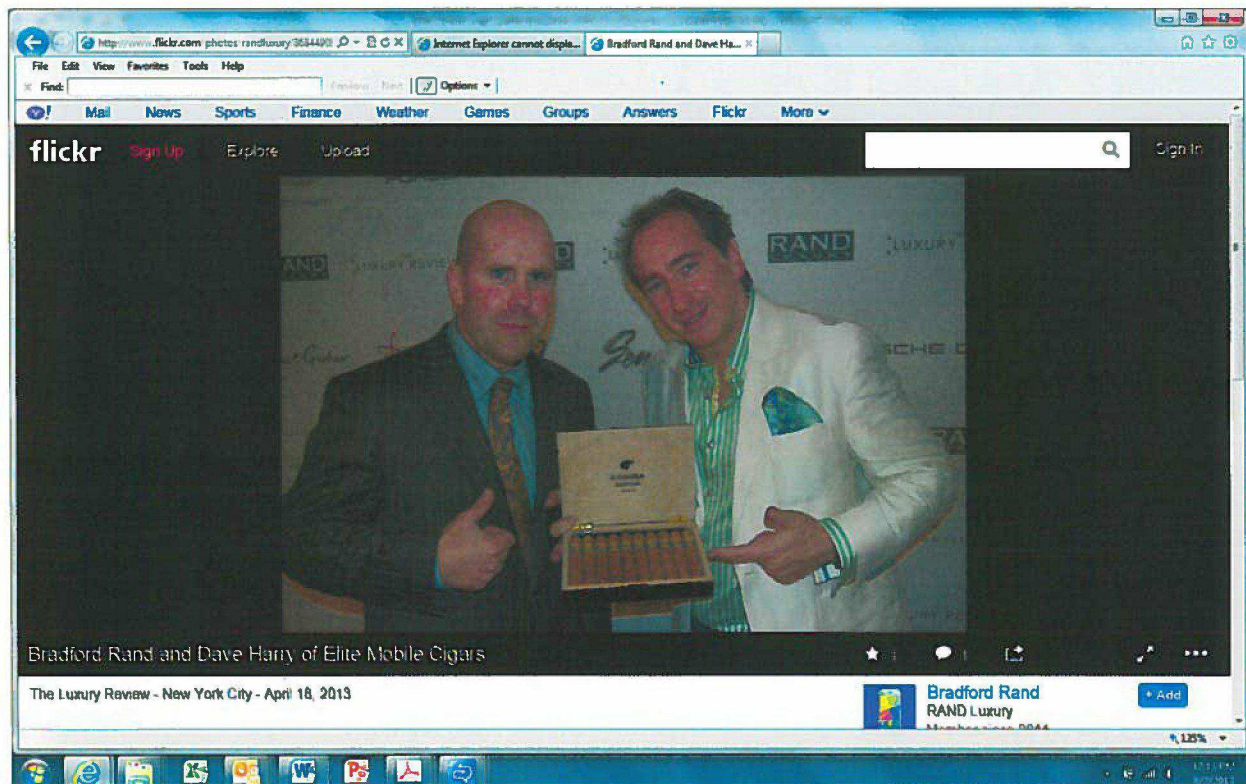
Phone: \_\_\_\_\_



EXHIBIT A









**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 6 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

Kristina Pickering, No. 992  
Akke Levin, No. 9102  
**MORRIS PICKERING & PETERSON**  
300 S. Fourth Street, Suite 900  
Las Vegas, Nevada 89101  
Tele: (702) 474-9400  
Fax: (702) 474-9472

William W. Robertson  
John F. Olsen  
Owen J. McKeon  
Anna Johansson Vecchi  
**ROBERTSON, FREILICH, BRUNO & COHEN, LLC**  
One Riverfront Plaza, 9<sup>th</sup> Floor  
Newark, New Jersey 07102  
Tele: (973) 848-2100  
Fax: (973) 848-2138

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**GENERAL CIGAR CO., INC.**, a Delaware  
corporation,

Plaintiff,

v.

**COHIBA CARIBBEAN'S FINEST INC.**, a Nevada  
Corporation, **DATA COMMODITIES LTD.**, a  
Bahamian Corporation, **RECIGARS.COM, INC.**  
a/k/a **R&E CIGARS**, a Tennessee sole  
proprietorship, **PETER GNECCO, RAMSAY**  
**ELIAS PEREZ** and **TRACY KEYS**,

Defendants.

Case No. 2:06-cv-00575-BES-  
GWF

**DECLARATION OF DAVID  
BULLOCK**

I, David Bullock, submit this declaration in support of the motion by Plaintiff General Cigar Co., Inc. ("General Cigar") for summary judgment against defendants COHIBA Caribbean's Finest Inc. and Data Commodities Ltd. (collectively "Defendants").

{00057241.DOC;2}

1. I have been employed by General Cigar since July 1996 and currently hold the position of Vice President of Field Sales. In my capacity as the Vice President of Field Sales I am responsible for the supervision and management of General Cigar's field sales force personnel and maintain consistent contact and communications with them.

2. I have been directly involved in the brand development, marketing, distribution and sale of COHIBA® cigars since 1996.

3. Based upon my personal knowledge and based upon my familiarity with the history of General Cigar prior to 1996, I can state that at no time has General Cigar ever licensed or otherwise authorized or permitted any other person, company or entity to utilize its federally registered COHIBA® trademark for cigars or for any other goods or service whatsoever.

4. Since the introduction of the COHIBA® brand, General Cigar has committed millions of dollars to the development, marketing and advertising of its Dominican-made COHIBA® cigars, which are marketed, distributed and sold to cigar retailers, wholesalers, distributors and consumers in the United States.

5. As a direct result of General Cigar's commitment to the brand, its Dominican-made COHIBA® cigars have achieved fame and are highly regarded by American cigar consumers as a premium handmade cigar of the finest quality.

6. Notwithstanding the fact that General Cigar has never licensed or otherwise authorized or permitted anyone else or any other company or entity to use the COHIBA® word mark, over the course of time in which I have held the position of Vice President of Field Sales I have received reports from General Cigar's field sales force and

about their and their customers encountering counterfeit "COHIBA" cigars, including the Defendants' "COHIBA Caribbean's Finest" cigars.

7. Through its investigative efforts to combat counterfeiting of its COHIBA® and other trademarks, General Cigar able to determine sources of counterfeit "COHIBA" products.

8. As a result its investigative efforts, General Cigar identified the Defendants as the entities responsible for the distribution of cigars and rum products bearing the "COHIBA Caribbean's Finest" brand name.

9. According to the reports I have received, the "COHIBA Caribbean's Finest" products, including cigars and rum, cause confusion with General Cigar's genuine COHIBA® cigar products.

10. From a visual examination of the so-called "COHIBA Caribbean's Finest" products being marketed, distributed and sold by the Defendants, it is obvious that the intent behind the use of the word "COHIBA" is to cause just such confusion in order to trade upon General Cigar's exclusive property and to dilute and divert to themselves part of the value and investment made General Cigar in the development of the fame and notoriety of its COHIBA® cigar products in the marketplace.

11. The word mark "COHIBA" appears on all of General Cigar's COHIBA® cigars in a bold upper case font which dominates the design of the cigar bands and packaging. The Defendants' counterfeit "COHIBA Caribbean's Finest" cigars are an obvious mimic of General Cigar's COHIBA® in that the word "COHIBA" is also prominently positioned in bold upper case font, dominating the cigar band and drawing the viewer's attention to General Cigar's COHIBA® word mark as follows:





12. Thus, the manner in which the so-called "COHIBA Caribbean's Finest" cigars prominently display General Cigar's COHIBA® word mark stands as incontestable evidence of the Defendants' intention to trade on the COHIBA® mark. More particularly, the Defendants' cigars display the word "COHIBA" in the virtually identical bold upper case font used by General Cigar with the "Caribbean's Finest" wording being relegated to an almost indiscernible smaller font strategically placed below the much larger and more prominent word "COHIBA."

13. Based on my years of experience in the cigar industry, the relatively low retail price of cigars results in cigar consumers not being especially discerning or cautious when making purchasing decisions.

14. Accordingly, there is a high likelihood that cigar consumers could mistakenly purchase Defendants' "COHIBA Caribbean's Finest" cigars believing them to be General Cigar's COHIBA® cigars.

15. The Defendants marketing of cigars under the confusingly similar "COHIBA Caribbean's Finest" brand name has caused cigar purchasers great confusion, thereby damaging the reputation and goodwill associated with General Cigar's COHIBA® cigars.

16. Defendants' use of the identical COHIBA® word mark to sell identical goods through the identical marketing channels as General Cigar has resulted in confusion amongst cigar purchasers as to the authenticity of COHIBA® cigars and caused damage to the reputation and goodwill associated with General Cigar's COHIBA® cigars.

17. Both as a result of investigative activities previously described and as the result of events that occurred serendipitously during the same period of time, it became clear that the Defendants, even after being revealed as not being authorized to utilize General Cigar's trademark, and even after being repudiated as being a legitimate source of premium cigar products, did not cease in endeavoring to trade upon and infringe upon General Cigar's COHIBA® trademark.

18. In particular, in January of 2006, General Cigar was contacted by Humidirect, the exclusive supplier of premium cigars to the Sam's Club chain of stores. Humidirect informed General Cigar that the Defendants' were attempting to gain entry into the Sam's Club chain in order to distribute "COHIBA Caribbean's Finest" cigars with the Sam's Club chain.


19. Fortunately, Humidirect was aware of the fact that Sam's Club is one of General Cigar's largest volume customers and well aware of General Cigar's authentic COHIBA® cigar brand.

20. While the Defendants' attempts to sell and distribute "COHIBA Caribbean's Finest" cigars were rebuffed on that occasion, General Cigar continued to receive reports that cigars branded with the "COHIBA Caribbean's Finest" brand were

being sold and distributed by the Defendants and that such cigars continued to cause consumer confusion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2007

  
DAVID BULLOCK

{00057241.DOC;2}6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
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Petitioner,	:	
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GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 7 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 78771774

Filing Date: 12/12/2005

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK FILE NAME	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\787\717\78771774\xml1\FTK0002.JPG</a>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	cohiba caribbeans finest cigar
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	balck ,white, yellow
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of yellow background ,black letters,and white lines
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	543 x 747
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	R&E Cigars
*STREET	1845 port view rd
*CITY	spring hill
*STATE (Required for U.S. applicants)	Tennessee
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	37174
PHONE	615-481-5655
FAX	615-302-0182
EMAIL ADDRESS	XXXX
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	SOLE PROPRIETORSHIP

*STATE/COUNTRY UNDER WHICH ORGANIZED	Tennessee
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	034
*DESCRIPTION	Cigar bands
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 06/06/2001
*FIRST USE IN COMMERCE DATE	At least as early as 06/06/2001
*SPECIMEN FILE NAME	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8 \787\717\78771774\xml1\FT K0003.JPG</a>
SPECIMEN DESCRIPTION	cigars bands
*DESCRIPTION	Cigars
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 06/06/2001
*FIRST USE IN COMMERCE DATE	At least as early as 06/06/2001
*SPECIMEN FILE NAME	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8 \787\717\78771774\xml1\FT K0004.JPG</a>
SPECIMEN DESCRIPTION	cigars
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	R&E Cigars
FIRM NAME	R&E Cigars
*STREET	1845 port view rd
* CITY	spring hill
* STATE (Required for U.S. applicants)	Tennessee
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	37174
PHONE	615-481-5655
FAX	615-302-0182
* EMAIL ADDRESS	cohibausa@charter.net
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/re/
* SIGNATORY NAME	ramsay elias
SIGNATORY POSITION	president
* SIGNATURE DATE	12/12/2005
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 12 23:32:01 EST 2005
TEAS STAMP	USPTO/FTK-XX.XXX.XXX.XX-2 0051212233201243521-78771 774-30011202ec23ad82e4ea1 6d833ff3c9bdc2-CC-832-200 51212223551885848

---

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 78771774**

**Filing Date: 12/12/2005**

To the Commissioner for Trademarks:







# EXHIBIT G

EXHIBIT G



USPTO Form 28 (Rev. 12-1-05)  
 (Form 28 is the official form for the Principal Register.)

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 78771774

Filing Date: 12/12/2005

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Field Name	Field Value
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK FILE NAME	\\TICRS\EXPORT8\IMAGEOUT8\787717\78771774\xml\FT K0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	cohiba caribbeans finest cigar
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	black ,white, yellow
*DESCRIPTION OF THE MARK	The mark consists of yellow background ,black letters,and white lines
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	543 x 747
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	R&E Cigars
*STREET	1845 port view rd
*CITY	spring hill
*STATE (Required for U.S. applicants)	Tennessee
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	37174
PHONE	615-481-5655
FAX	615-302-0182
EMAIL ADDRESS	cohibausa@charter.net
AUTHORIZED TO COMMUNICATE VIA EMAIL	No

**LEGAL ENTITY INFORMATION**

\*TYPE SOLE PROPRIETORSHIP  
 \*STATE/COUNTRY UNDER WHICH ORGANIZED Tennessee

**GOODS AND/OR SERVICES AND BASIS INFORMATION**

\*INTERNATIONAL CLASS 034  
 \*DESCRIPTION Cigar bands  
 \*FILING BASIS SECTION 1(a)  
   \*FIRST USE ANYWHERE DATE At least as early as 06/06/2001  
   \*FIRST USE IN COMMERCE DATE At least as early as 06/06/2001  
   \*SPECIMEN FILE NAME \\TICRS\EXPORT8\IMAGEOUT8\787\717\78771774\xml\FT K0003.JPG  
   SPECIMEN DESCRIPTION cigars bands  
 \*DESCRIPTION Cigars  
 \*FILING BASIS SECTION 1(a)  
   \*FIRST USE ANYWHERE DATE At least as early as 06/06/2001  
   \*FIRST USE IN COMMERCE DATE At least as early as 06/06/2001  
   \*SPECIMEN FILE NAME \\TICRS\EXPORT8\IMAGEOUT8\787\717\78771774\xml\FT K0004.JPG  
   SPECIMEN DESCRIPTION cigars

**ADDITIONAL STATEMENTS INFORMATION**

\*TRANSLATION  
 (if applicable)  
 \*TRANSLITERATION  
 (if applicable)  
 \*CLAIMED PRIOR REGISTRATION  
 (if applicable)  
 \*CONSENT (NAME/LIKENESS)  
 (if applicable)  
 \*CONCURRENT USE CLAIM  
 (if applicable)

**CORRESPONDENCE INFORMATION**

\*NAME R&E Cigars  
 FIRM NAME R&E Cigars  
 \*STREET 1845 port view rd  
 \* CITY spring hill  
 \* STATE  
 (Required for U.S. applicants) Tennessee  
 \* COUNTRY United States  
 \* ZIP/POSTAL CODE 37174

(Required for U.S. applicants only)

PHONE 615-481-5655

FAX 615-302-0182

\* EMAIL ADDRESS cohibausa@charter.net

\*AUTHORIZED TO COMMUNICATE VIA EMAIL Yes

**FEE INFORMATION**

NUMBER OF CLASSES 1

FEE PER CLASS 275

TOTAL FEE DUE 275

**SIGNATURE INFORMATION**

\* SIGNATURE /re/

\* SIGNATORY NAME ramsay elias

SIGNATORY POSITION president

\* SIGNATURE DATE 12/12/2005

**FILING INFORMATION SECTION**

SUBMIT DATE Mon Dec 12 23:32:01 EST 2005

TEAS STAMP USPTO/FTK-68.119.119.64-2  
0051212233201243521-78771  
774-30011202ec23ad82e4ea1  
6d833ff3c9bdc2-CC-832-200  
51212223551885848

USPTO/FTK-68.119.119.64-2  
0051212233201243521-78771  
774-30011202ec23ad82e4ea1  
6d833ff3c9bdc2-CC-832-200  
51212223551885848

**Trademark/Service Mark Application, Principal Register****TEAS Plus Application****Serial Number: 78771774****Filing Date: 12/12/2005**

To the Commissioner for Trademarks:

**MARK:** cohiba caribbeans finest cigar (stylized and/or with design, see mark)

The literal element of the mark consists of cohiba caribbeans finest cigar. The applicant claims color as a feature of the mark, namely, black, white, yellow. The mark consists of yellow background, black letters, and white lines.

The applicant, R&E Cigars, a sole proprietorship organized under the laws of Tennessee, residing at 1845 port view rd, spring hill, Tennessee, United States, 37174, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 034: Cigar bands; Cigars

If the applicant is filing under Section 1(b), intent to use, the applicant declares that it has a bona fide intention to use or use through the applicant's



related company or licensee the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(b), as amended.

If the applicant is filing under Section 1(a), actual use in commerce, the applicant declares that it is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

If the applicant is filing under Section 44(d), priority based on foreign application, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on a specified foreign application(s). 15 U.S.C. Section 1126(d), as amended.

If the applicant is filing under Section 44(e), foreign registration, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of the supporting foreign registration(s), and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

A fee payment in the amount of \$275 will be submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /re/ Date: 12/12/2005

Signatory's Name: ramsay elias

Signatory's Position: president

Mailing Address:

R&E Cigars

1845 port view rd

spring hill, Tennessee 37174

RAM Sale Number: 832

RAM Accounting Date: 12/13/2005

Serial Number: 78771774

Internet Transmission Date: Mon Dec 12 23:32:01 EST 2005

TEAS Stamp: USPTO/FTK-68.119.119.64-2005121223320124

3521-78771774-30011202ec23ad82e4ea16d833

ff3c9bdc2-CC-832-20051212223551885848







**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 8 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



William W. Robertson  
John F. Olsen  
Owen J. McKeon  
Mellissa L. Longo  
**ROBERTSON, FREILICH, BRUNO & COHEN, LLC**  
One Riverfront Plaza, 9<sup>th</sup> Floor  
Newark, New Jersey 07102  
(973) 848-2100

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

2006 SEP 14 P 3:25

CLERK  
SO. DIST. OF GA.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

**GENERAL CIGAR CO., INC.**, a Delaware  
corporation,

Plaintiff,

v.

**SOUTHERN SMOKE, L.L.C.**, a Georgia limited  
liability company, **CORNER CIGARS  
DISTRIBUTING, INC.** (a/k/a CornerCigars.com), a  
Georgia corporation, **SEMINOLE CIGAR  
FACTORY**, a fictitious name filed in Florida,  
**VICTOR SINCLAIR INC.**, a Georgia corporation,  
**BIG DOG CIGAR, L.L.C.**, a Florida limited liability  
company, **DOMINICAN CIGARS LTD.** (a/k/a  
DomCigars.com a/k/a CheapCigarBundles.com, a/k/a  
Dominican Cigars Direct), a Nevada limited liability  
company, **WILLIAM A. RHODES**, individually,  
**BENJAMIN T. IANUZZI**, individually and  
**YOSELIN GARCIA**, individually and **CHARLES R.  
CREEKMORE**, individually.

Defendants.

CV206- 207

**DECLARATION OF  
DAVID BULLOCK**

I, David Bullock, submit this declaration in support of the order to show cause why a preliminary injunction should not issue by Plaintiff General Cigar Co., Inc. ("General Cigar") against Defendants Southern Smoke, L.L.C. ("Southern Smoke"), Corner Cigars Distributing, Inc. (a/k/a CornerCigars.com) ("Corner Cigars"), Seminole Cigar Factory ("Seminole Cigar"), Victor Sinclair, Inc. ("Victor Sinclair"), Big Dog Cigar, L.L.C. ("Big Dog Cigar"), Dominican

Cigars Ltd. (a/k/a DomCigars.com a/k/a CheapCigarBundles.com a/k/a Dominican Cigars Direct) ("Dominican Cigars"), William A. Rhodes ("Rhodes"), Benjamin T. Ianuzzi ("Ianuzzi"), Yoselin Garcia ("Garcia") and Charles R. Creekmore ("Creekmore") (collectively "Defendants").

1. I have been employed by General Cigar since July 1996 and currently hold the position of Vice President of Field Sales. In my capacity as the Vice President of Field Sales I am responsible for the supervision and management of General Cigar's field sales force personnel and maintain consistent contact and communications with them.

2. I have been directly involved in the brand development, marketing, distribution and sale of COHIBA® cigars since 1996.

3. Based upon my personal knowledge and based upon my familiarity with the history of General Cigar prior to 1996, I can state that at no time has General Cigar ever licensed or otherwise authorized or permitted any other person, company or entity to utilize its federally registered COHIBA® trademark for cigars or for any other goods or service whatsoever.

4. Since the introduction of the COHIBA® brand, General Cigar has committed millions of dollars to the development, marketing and advertising of its COHIBA® cigars.

5. As a direct result of General Cigar's commitment to the brand, COHIBA® cigars are highly regarded by cigar sellers and by consumers as a premium handmade cigar of the finest quality.

6. Notwithstanding the fact that General Cigar has never licensed or otherwise authorized or permitted anyone else or any other company or entity to use the COHIBA® word mark, over the course of time in which I have held the position of Vice President of Field Sales I have received increasingly frequent reports from General Cigar's field sales force about their and

their customers encountering cigars using the word "COHIBA". One of the more frequently reported products being encountered bears the brand "COHIBA Republica Dominicana" (also referred to as "Yellow Band COHIBA").

7. Until very recently and only as the result of a nation wide coordinated investigative effort to combat counterfeiting of its COHIBA® and other trademarks, was General Cigar able to determine the name of the individuals, entities, and locations from which such products were being manufactured, labeled and distributed.

8. As a result of months of investigation, and as set forth in the accompanying Declarations of James Perry, George Prosser, Edward Bodigheimer, and James Kossler, a cadre of professional private investigators that have been retained to assist in this nation wide effort, General Cigar has identified the principal individuals who have been responsible for the distribution of cigars and other products bearing the Yellow Band "COHIBA" label. All of the individuals and companies identified as a result of those investigative efforts are named in the complaint filed in this matter.

9. According to the reports I have received, the Yellow Band COHIBA cigars are causing confusion with General Cigar's genuine COHIBA® cigar products.

10. From a visual examination of the so-called Yellow Band COHIBA cigars being marketed, distributed and sold by the Defendants, it is obvious that the intent behind the use of the word "COHIBA" is to cause just such confusion in order to trade upon General Cigar's exclusive property and to dilute and divert to themselves part of the value of General Cigar's investment in the development of the standing of General Cigar's genuine COHIBA® cigar products in the marketplace.



11. As used by General Cigar, the genuine COHIBA® word mark appears as follows:

**COHIBA**

. The defendants' counterfeit reproduction of General Cigar's COHIBA® word

mark is generally displayed as follows: **COHIBA** . This obvious mimic of General Cigar's

COHIBA® word mark is prominently positioned on defendants' products thereby drawing the viewer's attention to General Cigar's COHIBA® word mark, as follows:



12. Thus, the manner in which the so-called Yellow Band COHIBA cigars prominently display General Cigar's COHIBA® word mark stands as incontestable evidence of the Defendants' real intention: The COHIBA word is presented in the virtually identical bold black upper case font used by General Cigar in displaying its genuine COHIBA® trademark.

13. Given the relatively low retail price of cigars, cigar consumers are not especially discerning when making purchasing decisions.

14. Accordingly, there is a high likelihood that cigar consumers could mistakenly purchase Defendants' Yellow Band COHIBA cigars believing them to be General Cigar's COHIBA® cigars.

15. The Defendants marketing of cigars under the confusingly similar Yellow Band COHIBA brand name has caused cigar purchasers great confusion, thereby damaging the reputation and goodwill associated with General Cigar's COHIBA® cigars.

16. Defendants' use of the identical COHIBA® word mark to sell identical goods through the identical marketing channels as General Cigar has resulted in confusion amongst

cigar purchasers as to the authenticity of COHIBA® cigars and caused damage to the reputation and goodwill associated with General Cigar's COHIBA® cigars.

17. I repeatedly receive reports from my field sales force that they and their customers continue to encounter cigars branded with the "COHIBA" brand and that such cigars are continuing to cause confusion with the ultimate end cigar consumer.

18. More particularly, with increasing regularity customers are forwarding complaints regarding the overly aggressive and harassing marketing techniques used by defendants to solicit sales for the Yellow Band COHIBA cigars. Specifically, customers such as Glenda Feinberg, receive several calls per day despite requesting to be removed from defendants' call list.

19. Additionally and most recently beginning in July 2006, customers are forwarding complaints regarding force shipping tactics being employed by defendants. Several customers have complained about their credit cards being charged without authorization for shipments of defendants' cigars.

20. In addition to continuing reports from my field sales force, I have also received reports concerning the facts gathered by a cadre of professional private investigators that have been retained by General Cigar to attempt to precisely identify and locate the base of operations and sources of the products that bear the "COHIBA" brand.

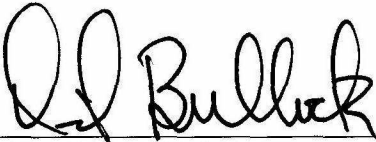
18. Those reports include factual information developed by George Prosser, James Perry, Edward Bodigheimer and James Kossler, all licensed private investigators of Tennessee, Nevada, Florida and New Jersey respectively and all former Special Agents of the Federal Bureau of Investigation.

19. That factual information, which is summarized in each of their individual Declarations that accompany this application, and my Declaration confirms that unless

immediately restrained and prohibited from continuing to utilize General Cigar's COHIBA® word trademark, these Defendants will continue to willfully infringe upon General Cigar's trademark, continue to cause consumer confusion and will thereby continue to damage General Cigar.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 6, 2006

  
\_\_\_\_\_  
DAVID BULLOCK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 9 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**



## Cohiba

@Cohiba

[Home](#)

## About

## Photos

Likes

## Events

## Videos

## Posts

[Create a Page](#)



**SURGEON GENERAL WARNING:** Cigar Smoking Can Cause Cancers Of The Mouth And Throat, Even If You Do Not Inhale.

 Like

 Follow

➔ Share

...

**Shop Now**

 Message


## About

 [Suggest Edits](#)

## BUSINESS INFO

Founded in 1496

## CONTACT DETAILS

 @Cohiba

[Send Message](#)

 <http://www.cohiba.com>

## STORY

## HOUSE RULES

This page provides a place to discuss the Cohiba brand, our family of products and news. The following guidelines are designed to help provide a quality environment for our fans. Please take a minute to read them and keep them in mind whenever you participate.

Chat (Off)




Cohiba - About x

Secure | [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal)

f Cohiba

Like Follow Share ... Shop Now Message



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@Cohiba

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**About**

Photos

Likes

Events

Videos

Posts

Create a Page

**BUSINESS INFO**

Founded in 1496

**CONTACT DETAILS**

@Cohiba [Send Message](#)

<http://www.cohiba.com>

**MORE INFO**

**About**  
The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur.

**Company Overview**  
One of the world's most recognizable luxury names, Cohiba remains a must-have for any dedicated cigar connoisseur. Developed in the Dominican Republic by Diaz y... [See more](#)

**Products**  
The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur. This collectio... [See more](#)

[Company](#)

**STORY**

**HOUSE RULES**

This page provides a place to discuss the Cohiba brand, our family of products and news. The following guidelines are designed to help provide a quality environment for our fans. Please take a minute to read them and keep them in mind whenever you participate.

Note: while we are glad to hear from everyone, it is important to note that postings by fans to the Cohiba Facebook page do... [See more](#)

**Milestones**

2008	Cohiba Puro Dominicana is introduced
2006	Cohiba Black arrives
1991	The debut of Cohiba XV

[See All](#)

Chat (Off)

Type here to search

12:48 PM 6/6/2017

CT0033026

Facebook browser window showing the Cohiba page. The browser address bar displays the URL: [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal).

The Facebook page header includes the Cohiba logo and navigation links: Home, Find Friends, and a search bar.

The page content is organized into sections:

- BUSINESS INFO**
  - Founded in 1496
- CONTACT DETAILS**
  - @Cohiba (with a Send Message button)
  - <http://www.cohiba.com>
- MORE INFO**
  - About**: The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur.
  - Company Overview**: One of the world's most recognizable luxury names, Cohiba remains a must-have for any dedicated cigar connoisseur. Developed in the Dominican Republic by Diaz y... [See more](#)
  - Products**: The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur. This collectio... [See more](#)
  - Company**
- STORY**
  - HOUSE RULES**: This page provides a place to discuss the Cohiba brand, our family of products and news. The following guidelines are designed to help provide a quality environment for our fans. Please take a minute to read them and keep them in mind whenever you participate.
  - Note**: while we are glad to hear from everyone, it is important to note that postings by fans to the Cohiba Facebook page do... [See more](#)
  - Milestones**

Year	Event
2008	Cohiba Puro Dominicana is introduced
2006	Cohiba Black arrives
1991	The debut of Cohiba XV
1982	Cohiba goes worldwide
1978	General Cigar crafts the Dominican Cohiba cigar
1496	Founded in 1496

The bottom of the page shows a Windows taskbar with various application icons and the system clock displaying 2:00 PM on 6/8/2017.

CT0033027

Cohiba - About

Secure | https://www.facebook.com/pg/Cohiba/about/?ref=page\_internal

f Cohiba

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@Cohiba

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Shop Now Message

cigar connoisseur.

Company Overview

One of the world's most recognizable brands, Cohiba remains a must-have for any dedicated cigar connoisseur. Developed in the Dominican Republic.

Products

The most iconic name in luxury cigars, and sophistication. Cohiba is the must-have for any cigar connoisseur. This collection...

Company

Cohiba


2008 · 🌐 · ✨

Like Page

Cohiba Puro Dominicana is introduced

2008

As a tribute to the discovery of Cohiba in Santa Domingo, General Cigar introduces Cohiba Puro Dominicana, a Cohiba made solely with Dominican tobaccos blended to create the perfect smoking experience.



50

3 Comments

Chat (Off)

Type here to search



12:50 PM

6/6/2017

Cohiba - About

Secure | [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal)

f Cohiba

Like Follow Share ... Shop Now Message

**COHIBA**

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Likes  
Events  
Videos  
Posts

Create a Page

As a tribute to the discovery of Cohiba in Santa Domingo, General Cigar introduces Cohiba Puro Dominicana, a Cohiba made solely with Dominican tobaccos blended to create the perfect smoking experience.



50 3 Comments

Like Comment Share

View 1 more comment

 **Robert Braxton** HIBS MY FAVORIT!!!!!!!  
25 July 2012 at 22:32 · Like

 **Raif Yazicigil** I do  
26 July 2012 at 05:45 · Like

 Write a comment...  
Press Enter to post.

Chat (Off)

Type here to search

99+

12:50 PM  
6/6/2017

CT0033029

Facebook browser window showing the Cohiba page. The browser address bar displays the URL: [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal).

The Facebook page header includes the Cohiba logo, navigation links (Home, Find Friends), and user profile information (Matt).

The page content features a "Company Overview" section with the text: "One of the world's most recognizable luxury names, Cohiba remains a must-have for cigar connoisseurs. Developed in the Dominican Republic, Cohiba is a brand of cigars that has become a symbol of luxury and sophistication."

The "Products" section highlights: "The most iconic and sophisticated cigar connoisseurs."

The "Company" section includes a "Shop Now" button and a "Message" button.

The main post area displays a post titled "Cohiba Black arrives" from 2006. The post text reads: "The highly acclaimed Cohiba Black is introduced. This rich and complex cigar features a dark maduro wrapper and aged Dominican Piloto binder." Below the text is a black and white photograph of a man in a tuxedo and a woman in formal attire, with two Cohiba cigars prominently displayed in the foreground.

The post has 28 likes and 1 comment. The bottom of the page shows the Windows taskbar with various application icons and the system clock indicating 12:50 PM on 6/6/2017.

CT0033030

Cohiba - About

Secure | https://www.facebook.com/pg/Cohiba/about/?ref=page\_internal

f Cohiba

Like Follow Share ...

Shop Now

Message

**COHIBA**

Cohiba  
@Cohiba

Home

About

Photos

Likes

Events

Videos

Posts


Create a Page

and sophisticated  
cigar connoisseur

Company


**Cohiba Black arrives**  
2006



The highly acclaimed Cohiba Black is introduced. This rich and complex cigar features a dark maduro wrapper and aged Dominican Piloto binder.



28 1 Comment

Like Comment Share

 **Dave Pipher** have to sample those in cuba in the new year...  
26 July 2012 at 00:14 · Like

 Write a comment... 

Press Enter to post.

Chat (Off)

Type here to search

12:50 PM  
6/6/2017

CT0033031





[Create a Page](#)



Cohiba - About

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Cohiba

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Follow

Share

...

Company

Shop Now

Message

Cohiba

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Home

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Videos


Posts

Create a Page

The debut of Cohiba XV

1991

Cohiba XV is introduced. With the XV standing for "Extra Vigoroso," this full-bodied cigar is among the most sought after Cohibas available and is made only in limited quantities.



12

1 Comment

Like

Comment

Share

Nedyalkovski Cveta

.....кво,т намери.....

25 July 2012 at 17:52

Like

Write a comment...

😊📷🗨

Press Enter to post.

Chat (Off)

Windows Taskbar

Type here to search

Word

Chrome

Edge

Calendar

Store

99+

Mail

Cinema

Folder

File Explorer

PDF

Word

12:51 PM

6/6/2017

CT0033033



Facebook interface showing the Cohiba page. The browser address bar displays [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal). The page header includes navigation links: Home, Find Friends, and a search bar.

The Cohiba page header features the Cohiba logo, the name "Cohiba", and the handle "@Cohiba". Navigation tabs include Home, About (selected), Photos, Likes, Events, Videos, and Posts. A green button labeled "Create a Page" is visible.

The main content area displays a post titled "Cohiba goes worldwide" from 1982. The post text reads: "Cohiba cigars are introduced worldwide, with the exception of the United States. The introduction features three sizes: Panatela, Corona Especial and Lancero." Below the text is a photograph of hands rolling cigars, with two finished Cohiba cigars (Panatela and Corona Especial) shown in the foreground.

Interaction buttons for the post include Like, Follow, Share, and Message. The post has 13 likes and 1 comment. A "Shop Now" button is also present.

The Windows taskbar at the bottom shows the search bar and various application icons, including Word, Chrome, and the system clock indicating 12:52 PM on 6/6/2017.

CT0033034





## Cohiba

@Cohiba

[Home](#)

## About

## Photos

Likes

## Events

## Videos

## Posts

[Create a Page](#)

Like Follow Share ...

cigar connoisseur. This collectio... See more

Company

Cohiba 1978 · 🕒 · ⚙️

Like Page

[Shop Now](#)

 Message

General Cigar crafts the Dominican Cohiba cigar

1978

Five centuries after Christopher Columbus heard the word “Cohiba” for the first time in the Dominican Republic, General Cigar develops a Cohiba cigar in the same country.



 13

Like Comment Share

Chat (Off)

Cohiba - About

Secure | https://www.facebook.com/pg/Cohiba/about/?ref=page\_internal

Cohiba

Like Follow Share ...

Shop Now Message

and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur. This collectio... See more

1496 Founded in 1496

Company

Cohiba  
1496 · 🌐 · 🌟

Like Page

Cohiba  
@Cohiba


Home  
About  
Photos  
Likes  
Events  
Videos  
Posts

Create a Page

Founded in 1496

1496

Christopher Columbus makes his second voyage west. It's on this expedition that he and his crew hear the word "Cohiba" for the first time. The Taino Indians, the natives of Santa Domingo, use it to refer to the cured leaves of tobacco that they grow and smoke for pleasure.



5 1 Comment

Chat (Off)

Type here to search

12:52 PM 6/6/2017

CT0033037

Cohiba - About

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Cohiba

Like Follow Share ... Shop Now Message

**COHIBA**


Cohiba  
@Cohiba

Home  
**About**  
Photos  
Likes  
Events  
Videos  
Posts

Create a Page

Founded in 1496

Christopher Columbus makes his second voyage west. It's on this expedition that he and his crew hear the word "Cohiba" for the first time. The Taino Indians, the natives of Santa Domingo, use it to refer to the cured leaves of tobacco that they grow and smoke for pleasure.



5 1 Comment

Like Comment Share Top comments

Write a comment...  
Press Enter to post.

**Christian Beck Marcel Rölke**  
Like · Reply · 1 · 24 January 2016 at 14:12

Chat (Off)

Type here to search

12:52 PM  
6/6/2017

CT0033038




Cohiba - About

Secure | [https://www.facebook.com/pg/Cohiba/about/?ref=page\\_internal](https://www.facebook.com/pg/Cohiba/about/?ref=page_internal)

Cohiba

Like Follow Share ...

Shop Now Message



**Cohiba**  
@Cohiba

Home  
**About**  
Photos  
Likes  
Events  
Videos  
Posts

Create a Page

**CONTACT DETAILS**

@Cohiba Send Message

<http://www.cohiba.com>

**MORE INFO**

**About**  
The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur.

**Company Overview**  
One of the world's most recognizable luxury names, Cohiba remains a must-have for any dedicated cigar connoisseur. Developed in the Dominican Republic by Diaz y Cia in 1978 (nearly five centuries after Columbus landed on the shores of the modern-day D.R. to find the natives smoking tobacco leaves they called "cohiba"), the brand was first made by General Cigar in the 1980s. The U.S. version of Cohiba is the only Cohiba brand that can be purchased legally in the United States; it remains peerless in defining luxury premium-cigar enjoyment.

**Products**  
The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur. This collectio... See more

**Company**

This page provides a place to discuss the Cohiba brand, our family of products and news. The following guidelines are designed to help provide a quality environment for our fans. Please take a minute to read them and keep them in mind whenever you participate.

Note: while we are glad to hear from everyone, it is important to note that postings by fans to the Cohiba Facebook page do... See more

**Milestones**

2008	Cohiba Puro Dominicana is introduced
2006	Cohiba Black arrives
1991	The debut of Cohiba XV
1982	Cohiba goes worldwide
1978	General Cigar crafts the Dominican Cohiba cigar
1496	Founded in 1496

Chat (Off)

CT0033039

Cohiba - About x

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f Cohiba

Like Follow Share ... Shop Now Message

# COHIBA

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@Cohiba

Home  
About  
Photos  
Likes  
Events  
Videos  
Posts

Create a Page

## MORE INFO

### About

The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur.

### Company Overview

One of the world's most recognizable luxury names, Cohiba remains a must-have for any dedicated cigar connoisseur. Developed in the Dominican Republic by Diaz y Cia in 1978 (nearly five centuries after Columbus landed on the shores of the modern-day D.R. to find the natives smoking tobacco leaves they called "cohiba"), the brand was first made by General Cigar in the 1980s. The U.S. version of Cohiba is the only Cohiba brand that can be purchased legally in the United States; it remains peerless in defining luxury premium-cigar enjoyment.

### Products

The most iconic name in luxury cigars, Cohiba exemplifies style and sophistication. Cohiba is the must-have for any dedicated cigar connoisseur. This collection of medium- to full-bodied smokes, sculpted to the highest standards, symbolizes a life of attainable elegance. Handcrafted by General Cigar in the Dominican Republic, Cohiba is a brand that deserves a place in the most carefully-curated cigar collections.

Developed in the Dominican Republic by Diaz y Cia in 1978 (nearly five centuries after Columbus landed on the shores of the modern-day D.R. to find the natives smoking tobacco leaves they called "cohiba"), the brand was first made by General Cigar in the 1980s.

Note: while we are glad to hear from everyone, it is important to note that postings by fans to the Cohiba Facebook page do not necessarily reflect the opinions of Cohiba Red Dot and its affiliates. Further, Cohiba and its affiliates do not represent the accuracy of any User Content, and do not necessarily endorse the opinions expressed on this fan page.

By using or accessing this page, you acknowledge that you are 21 years of age and agree to comply with Facebook's Terms and Conditions.

We encourage you to leave comments, photos, videos and links here, as long as they are relevant to the intent of the page and provide value to fellow fans. Please be respectful of the community as a whole.

We will review all posts and we reserve the right to remove those that do not adhere to our guidelines. We will block anyone who violates our guidelines repeatedly. Further, we will not tolerate these kinds of posts and these will be removed immediately:

- Abusive, harassing, stalking, threatening or attacking others
- Defamatory, offensive, obscene, vulgar or depicting violence
- Hateful in language targeting race/ethnicity, religion, gender, nationality or political beliefs
- Fraudulent, deceptive, misleading or unlawful
- Trolling or deliberate disruption of discussion
- Violations of any intellectual property right

Chat (Off)

Type here to search

12:48 PM  
6/6/2017

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Cohiba - About

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Cohiba

Like Follow Share ... Shop Now Message

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@Cohiba

Home  
**About**  
Photos  
Likes  
Events  
Videos  
Posts

Create a Page

and sophisticated. Cohiba is the most revered of all dedicated cigar connoisseurs. This collection of medium- to full-bodied smokes, sculpted to the highest standards, symbolizes a life of attainable elegance. Handcrafted by General Cigar in the Dominican Republic, Cohiba is a brand that deserves a place in the most carefully-curated cigar collections.

Developed in the Dominican Republic by Diaz y Cia in 1978 (nearly five centuries after Columbus landed on the shores of the modern-day D.R. to find the natives smoking tobacco leaves they called "cohiba"), the brand was first made by General Cigar in the 1980s.

The U.S. version of Cohiba is the only Cohiba brand that can be purchased legally in the United States; it remains peerless in defining luxury premium-cigar enjoyment. In addition to the hallmark brand, Cohiba also features these fine, handcrafted expressions: Cohiba XV, Cohiba Black and Cohiba Puro Dominicana.

Note: Cohiba Cigars are made in the Dominican Republic. Never associated with the Cuban cigar sold under the same name outside the U.S. Cohiba Cigars are not made from Cuban-grown tobaccos.

Company

removed immediately:

- Abusive, harassing, stalking, threatening or attacking others
- Defamatory, offensive, obscene, vulgar or depicting violence
- Hateful in language targeting race/ethnicity, religion, gender, nationality or political beliefs
- Fraudulent, deceptive, misleading or unlawful
- Trolling or deliberate disruption of discussion
- Violations of any intellectual property rights
- Spamming in nature
- Uploading files that contain viruses or programs that could damage the operation of other people's computers
- Commercial solicitation or solicitation of donations
- Link baiting (embedding a link in your post to draw traffic to your own site)

Milestones

2008	Cohiba Puro Dominicana is introduced
2006	Cohiba Black arrives
1991	The debut of Cohiba XV
1982	Cohiba goes worldwide
1978	General Cigar crafts the Dominican Cohiba cigar
1496	Founded in 1496

Chat (Off)

Type here to search

12:49 PM  
6/6/2017

CT0033041













































REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 2 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 3 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**



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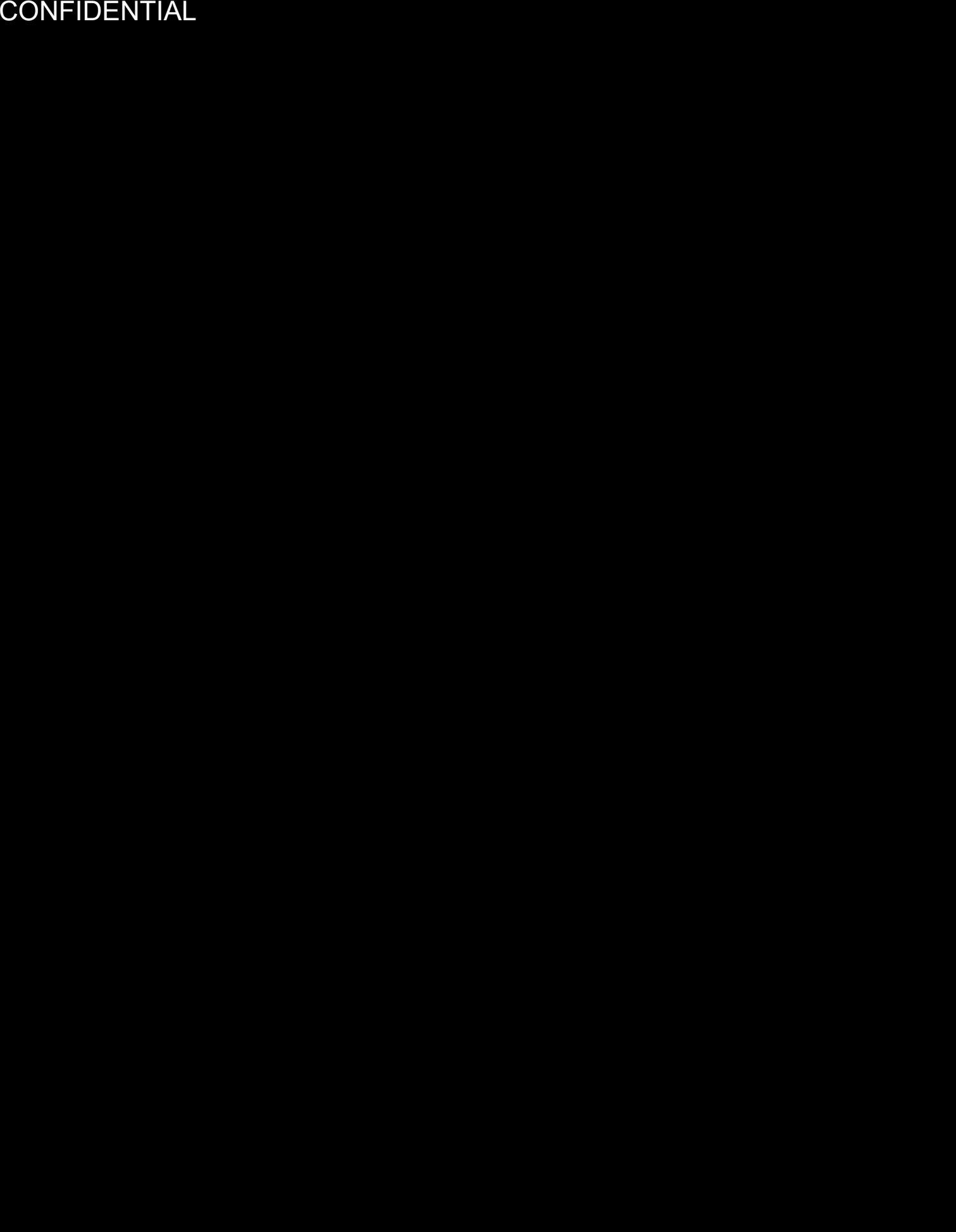


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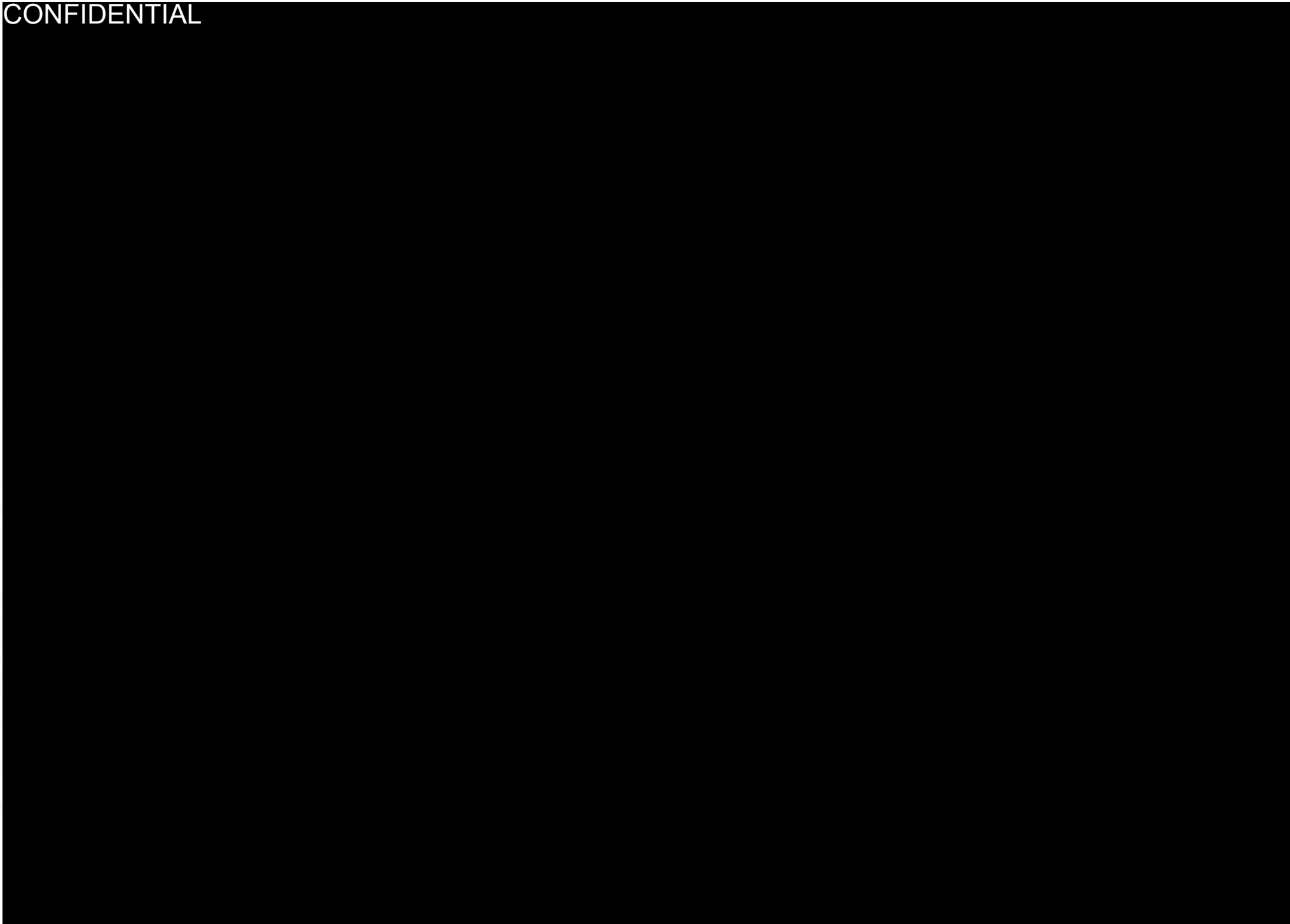
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 4 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

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TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

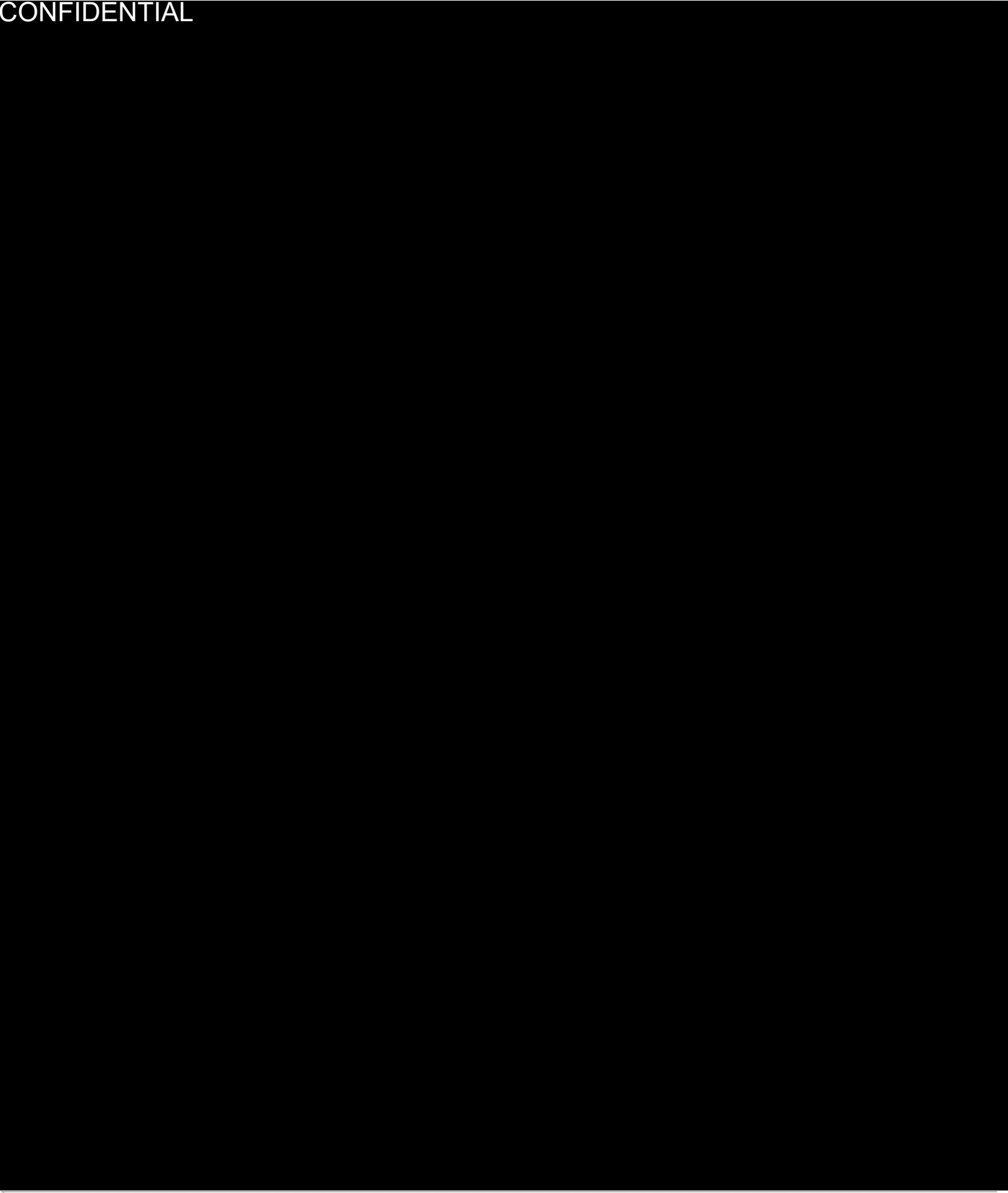
For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
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Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
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GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
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Respondents.	:	
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**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 5 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**



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GENC0019226



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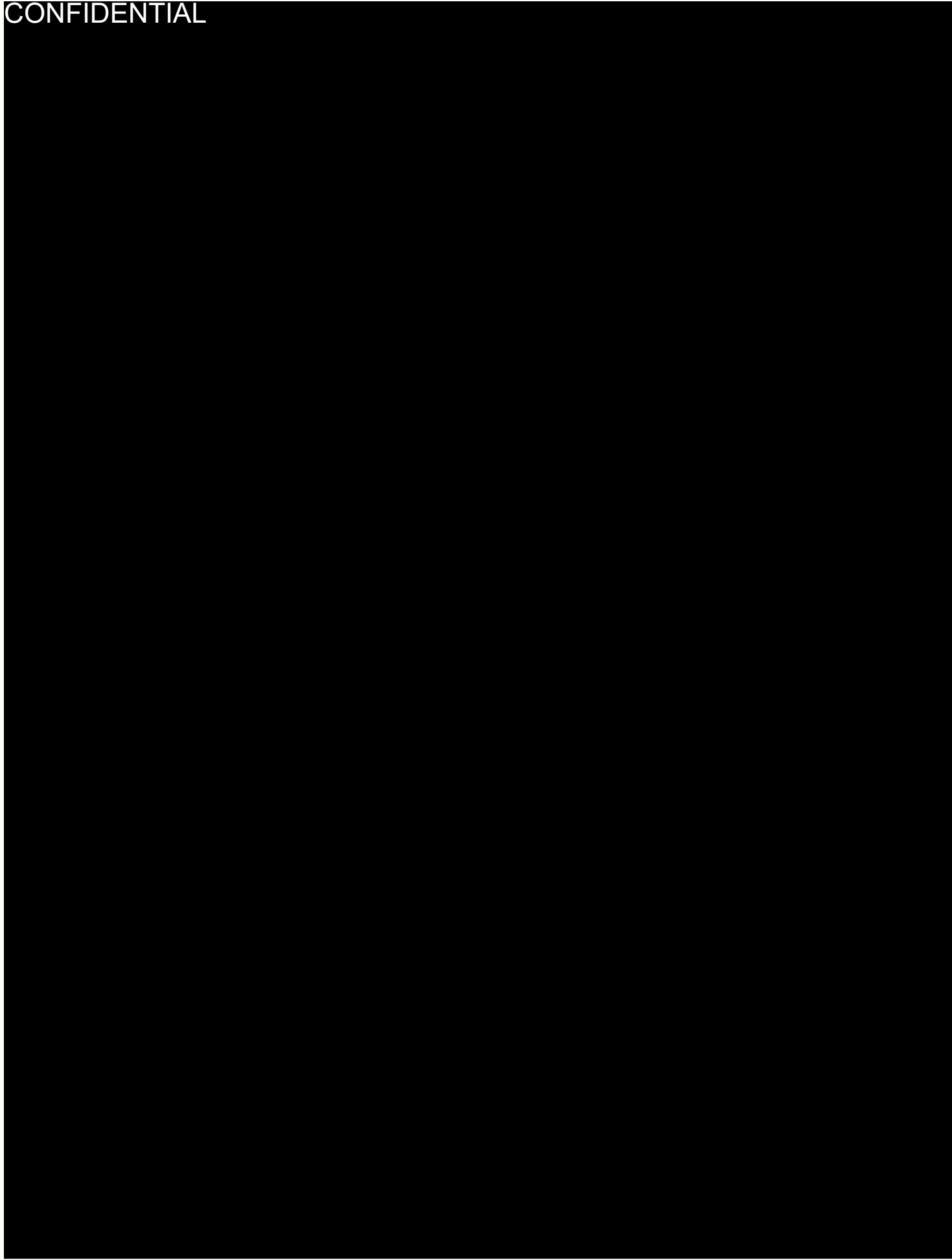


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TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 6 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

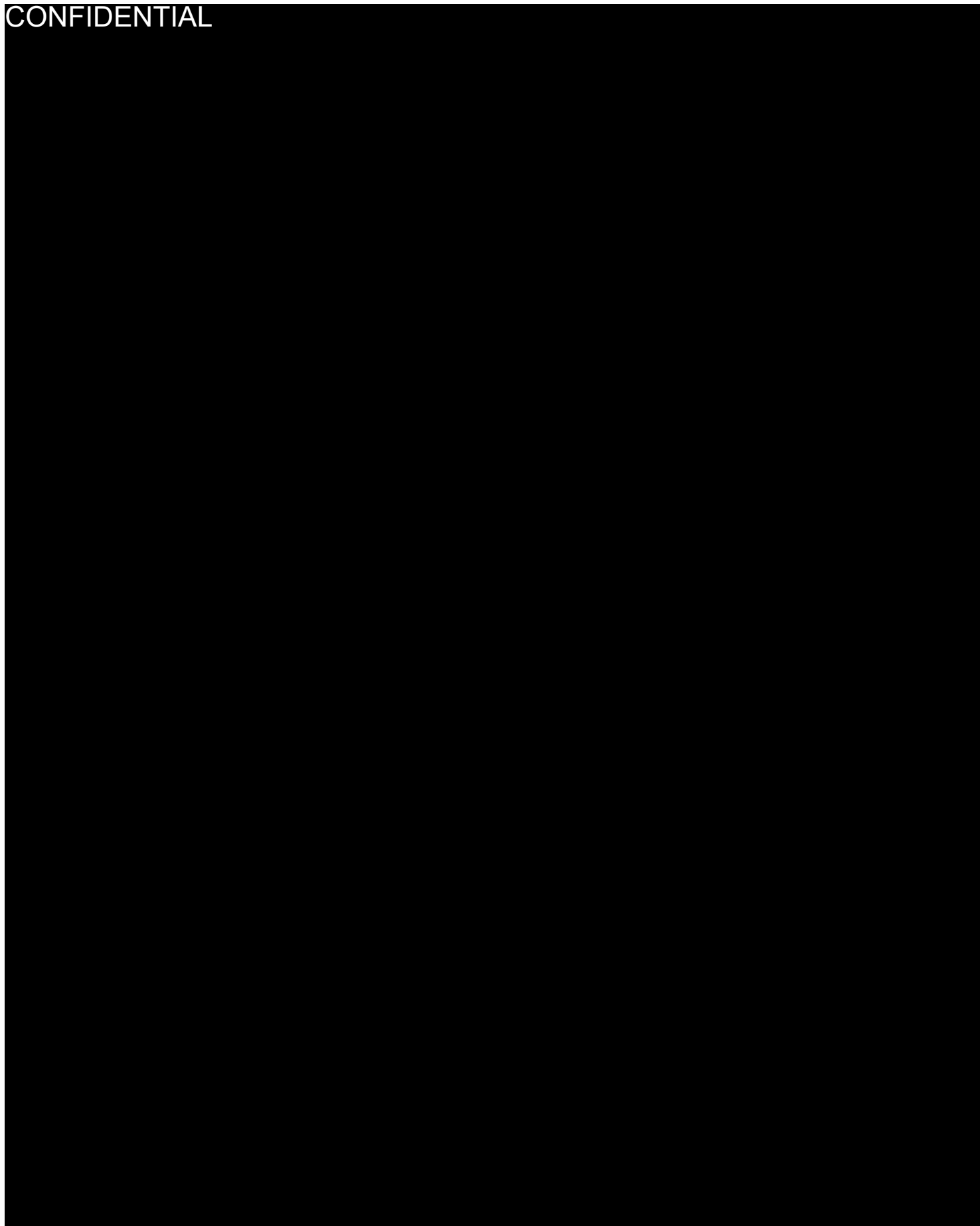




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TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
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GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
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Respondents.	:	
	:	
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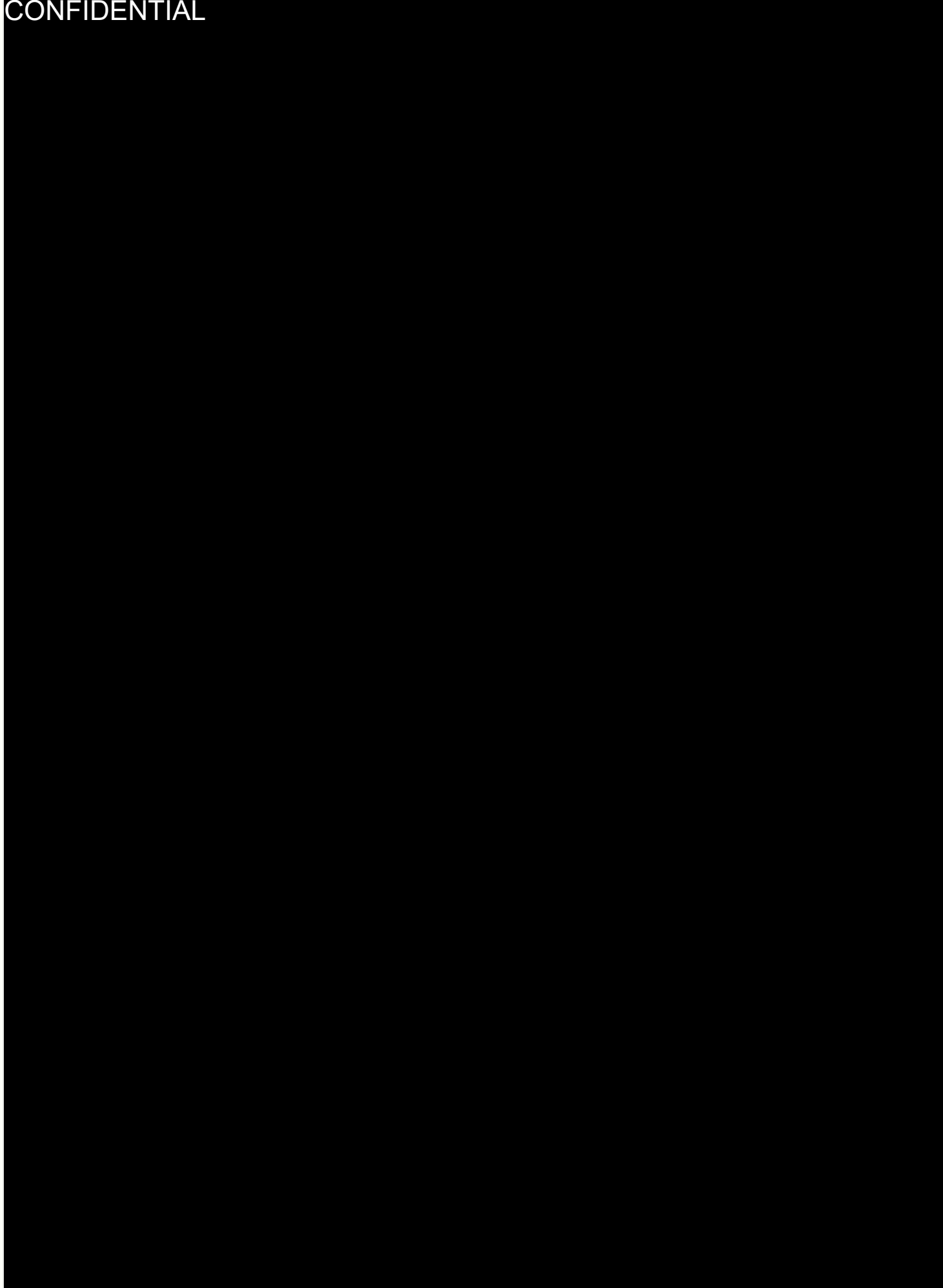
**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 7 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

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TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
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**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 8 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
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Respondents.	:	
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**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 9 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter, III,  
[Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

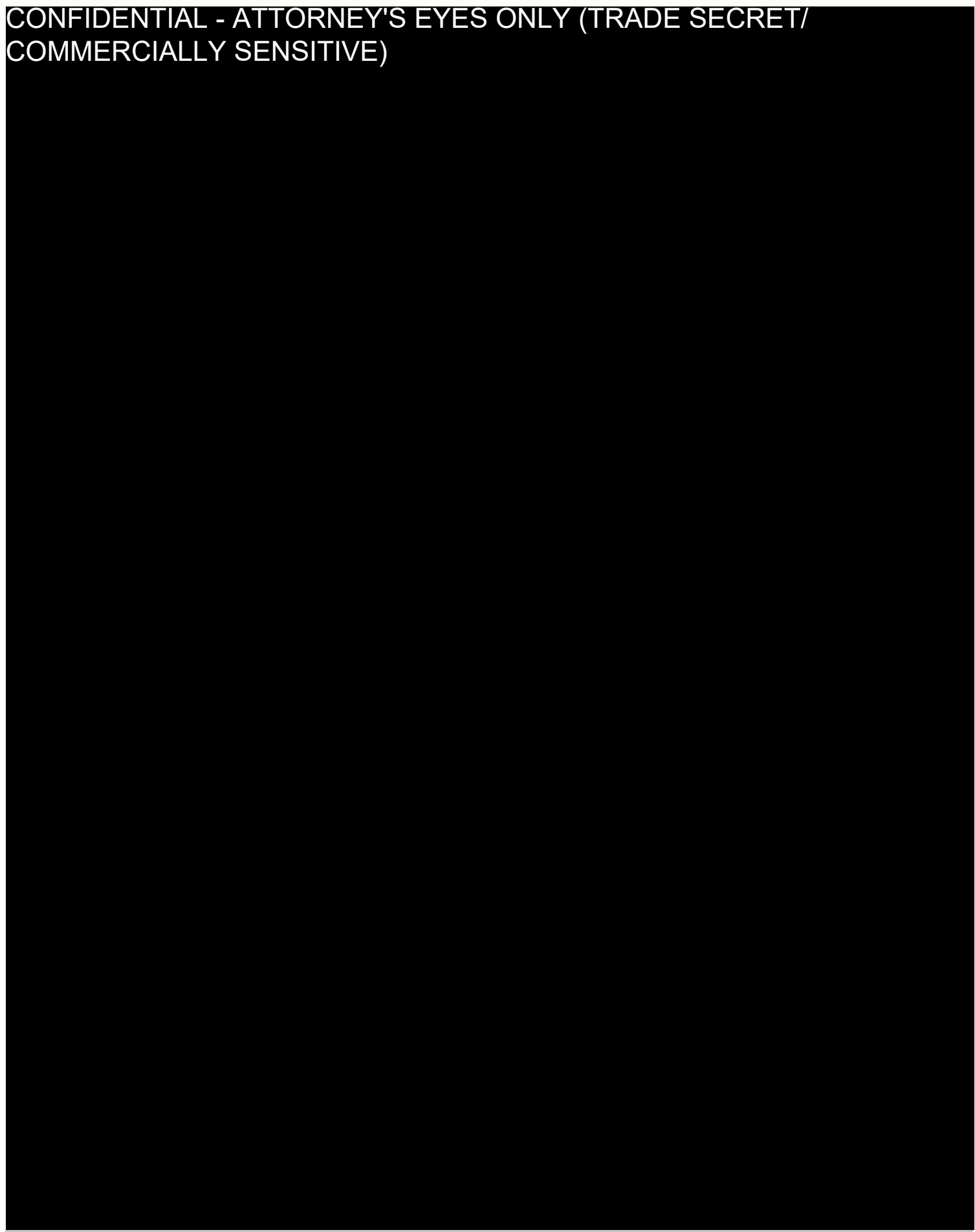
Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
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Respondents.	:	
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**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

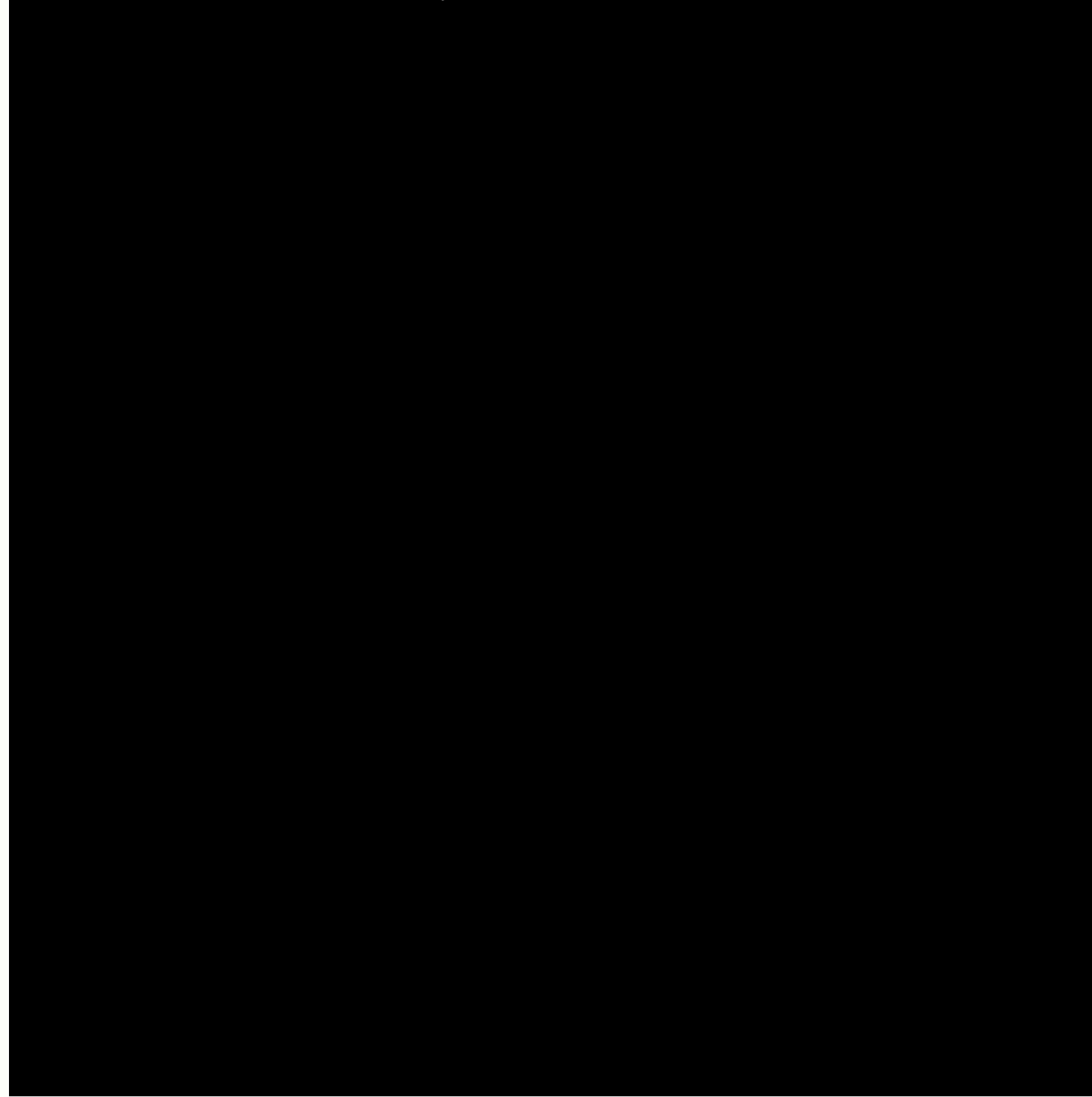
**Exhibit 11 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL - ATTORNEY'S EYES ONLY (TRADE SECRET/  
COMMERCIALLY SENSITIVE)

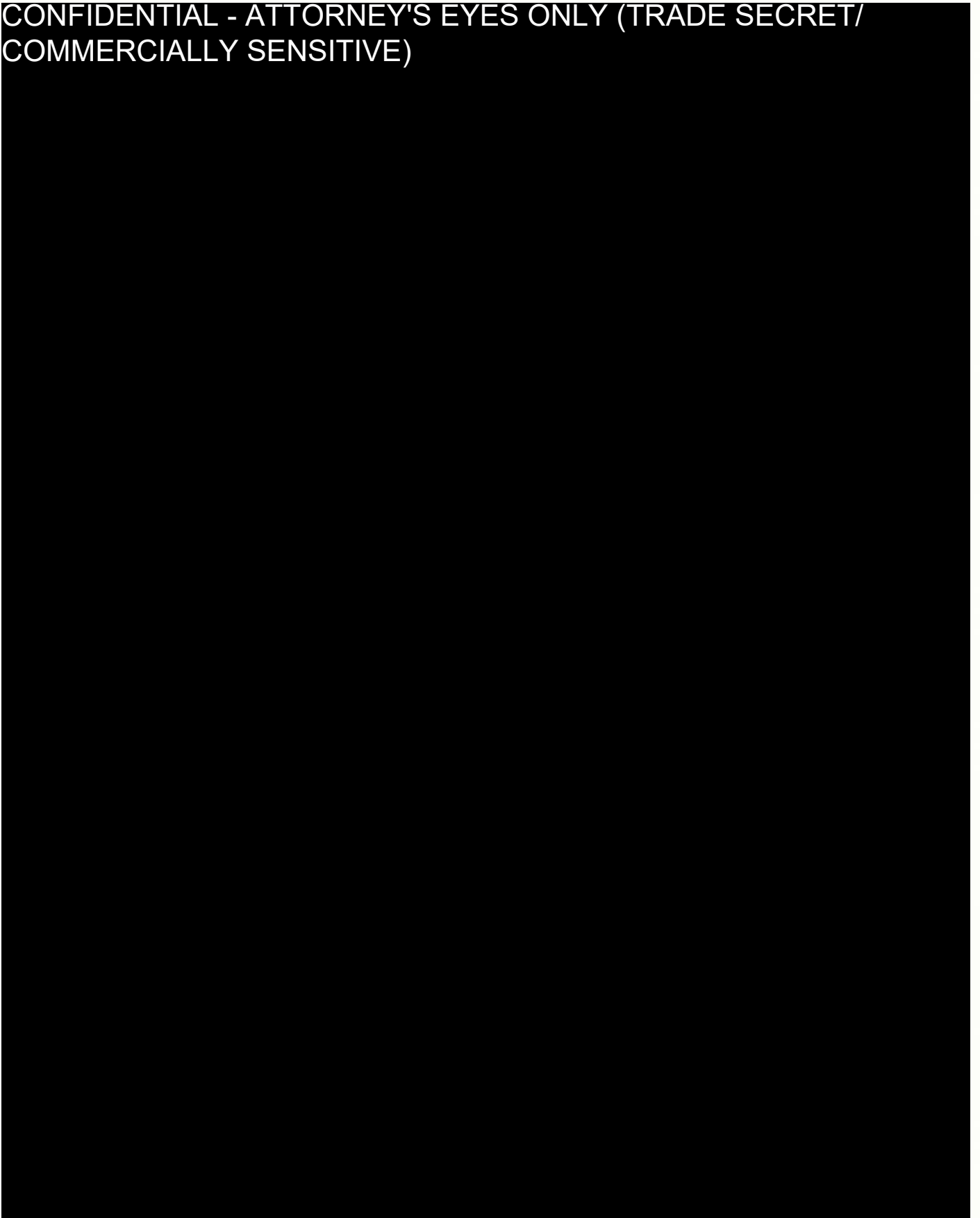




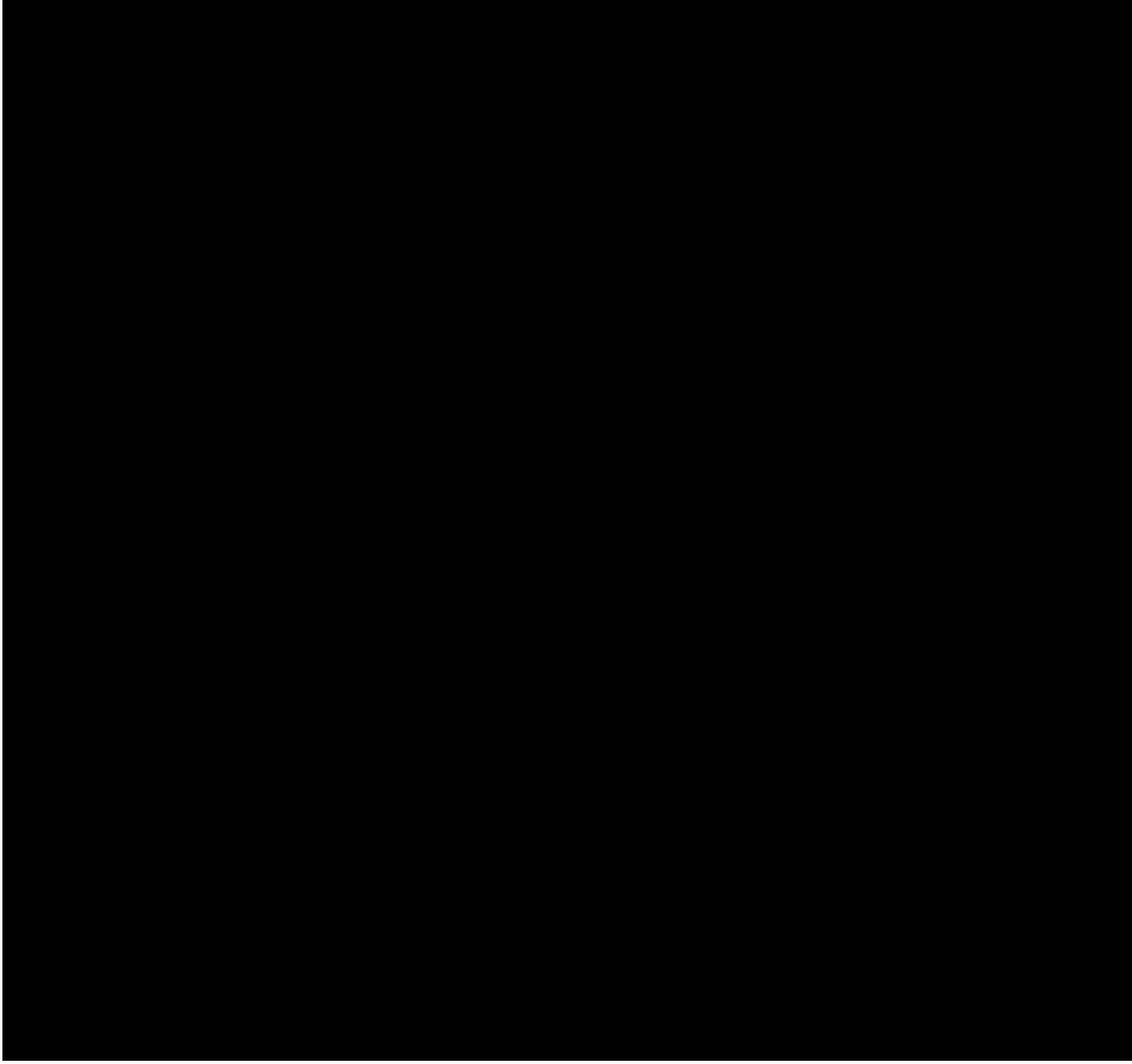
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COMMERCIALLY SENSITIVE)



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COMMERCIALY SENSITIVE)



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COMMERCIALY SENSITIVE)



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TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 12 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL



CONFIDENTIAL



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

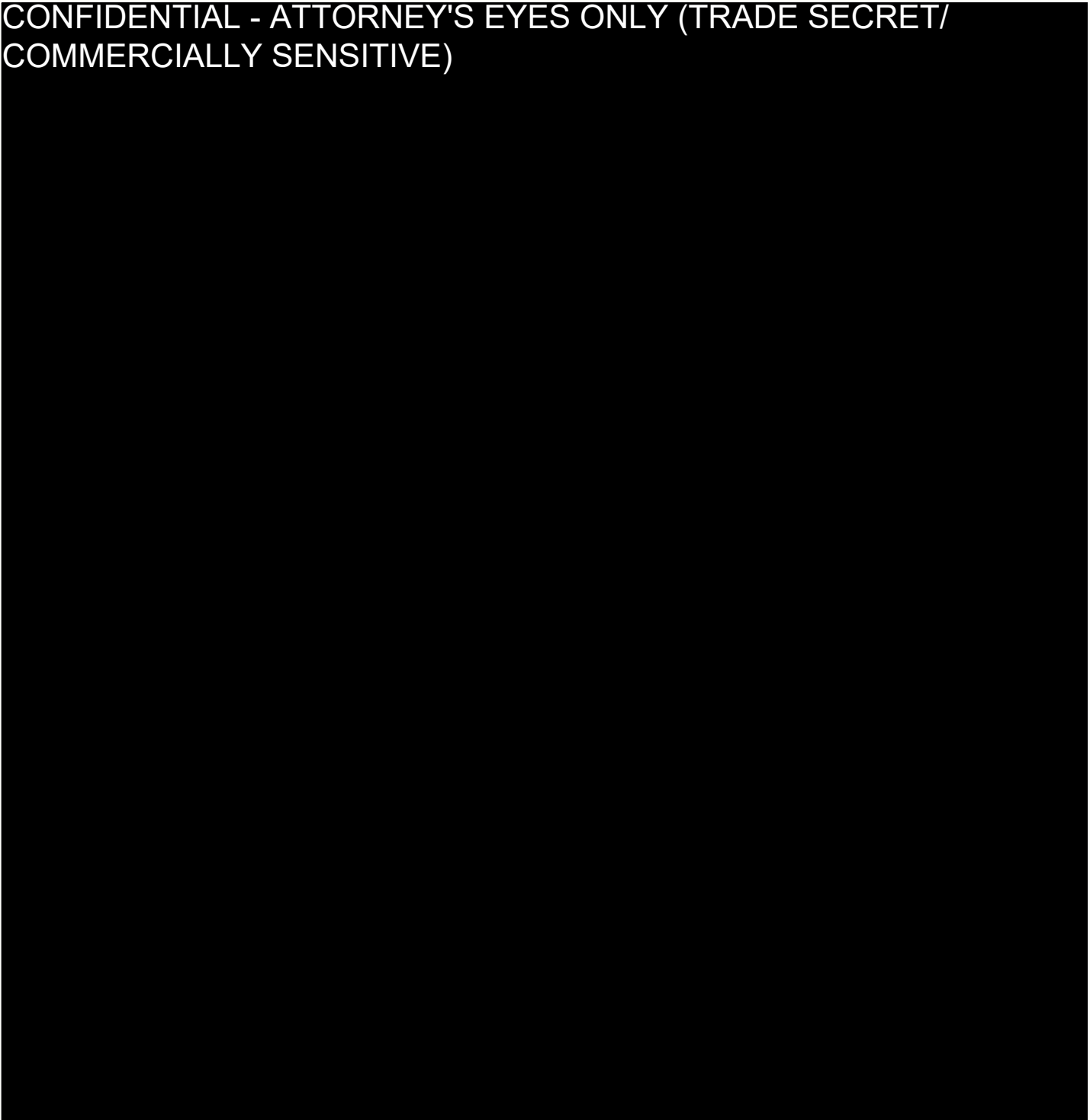
**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 13 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**





CONFIDENTIAL - ATTORNEY'S EYES ONLY (TRADE SECRET/  
COMMERCIALY SENSITIVE)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 14 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL



CONFIDENTIAL



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 15 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL

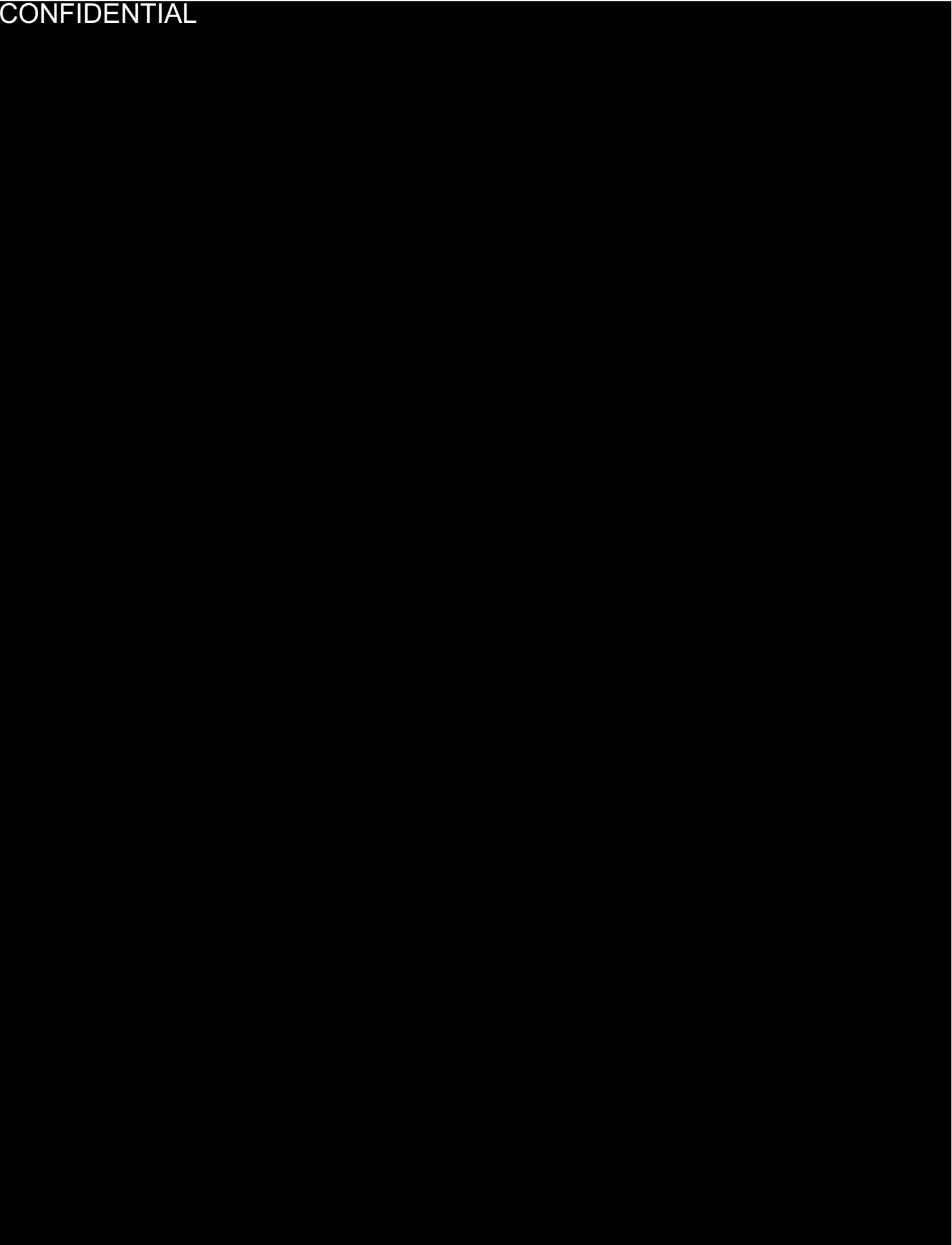


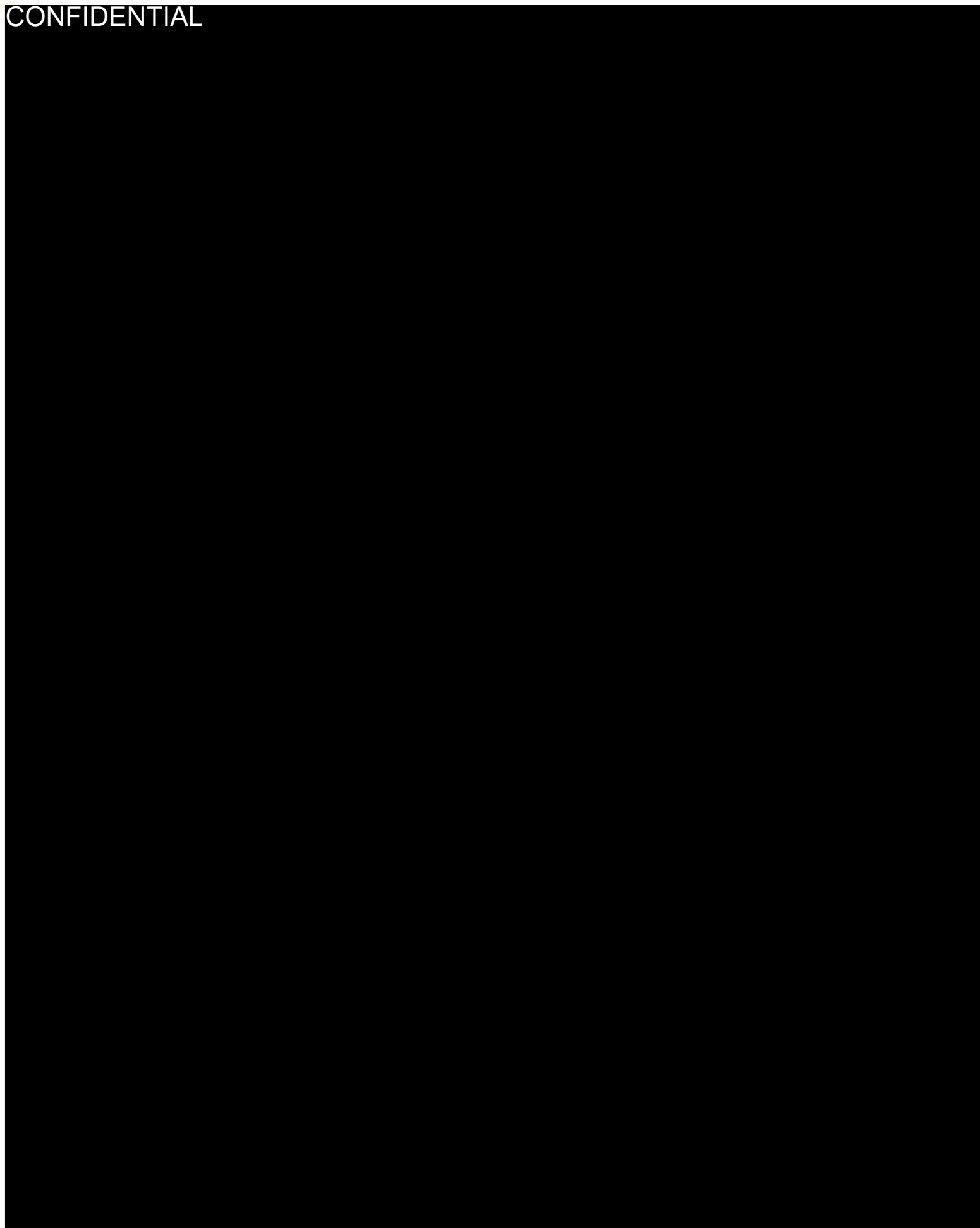
CONFIDENTIAL



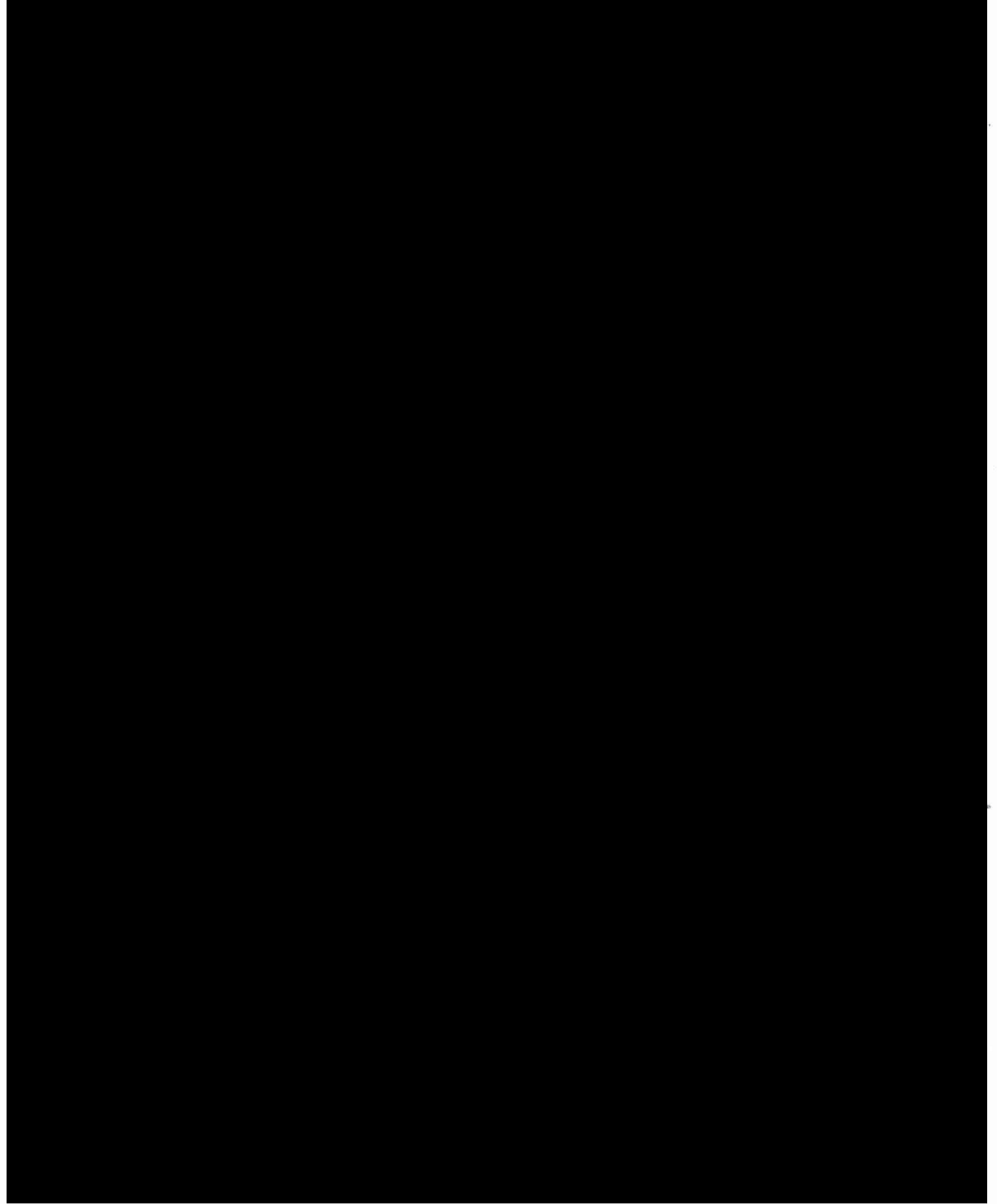




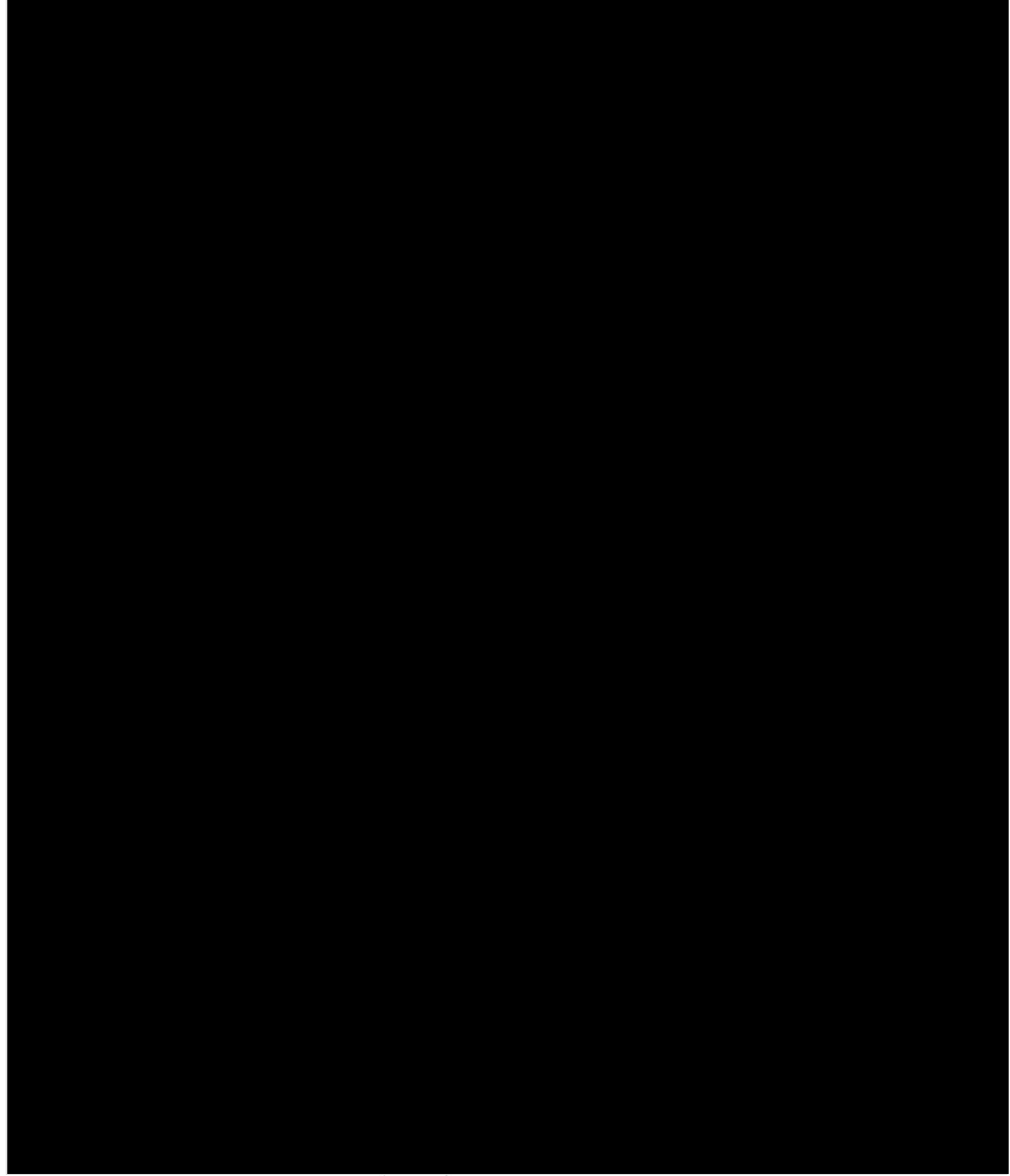




CONFIDENTIAL - ATTORNEY'S EYES ONLY (TRADE SECRET/  
COMMERCIALLY SENSITIVE)



CONFIDENTIAL - ATTORNEY'S EYES ONLY (TRADE SECRET/  
COMMERCIALLY SENSITIVE)





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 16 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 17 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

CONFIDENTIAL



CONFIDENTIAL



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

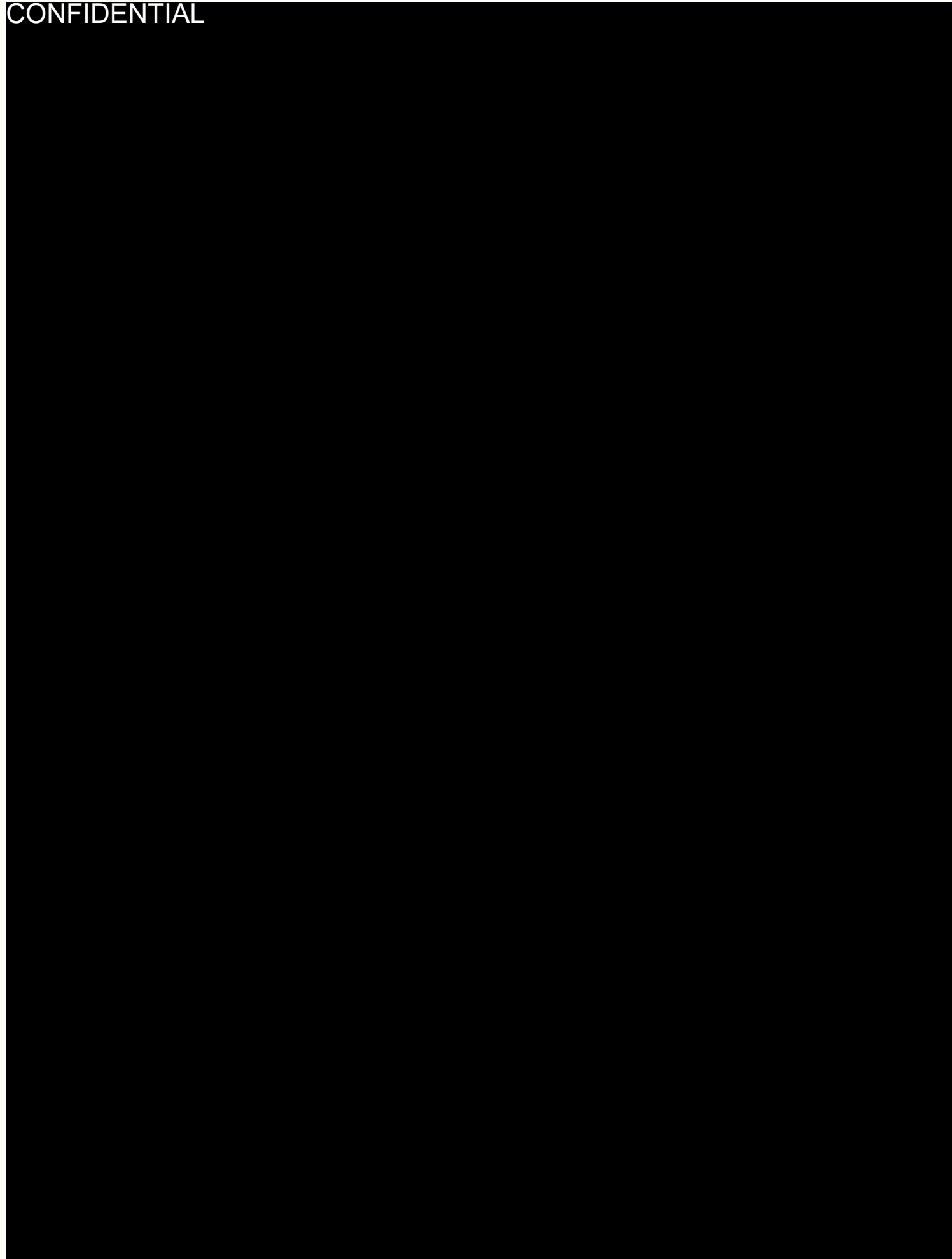
For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 10 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**Exhibit 18 to the Discovery Deposition Transcript of Deposition of Eugene Paul Richter,  
III, [Rule 30(b)(6)] Corporate Designee, taken on Nov. 21, 2017**

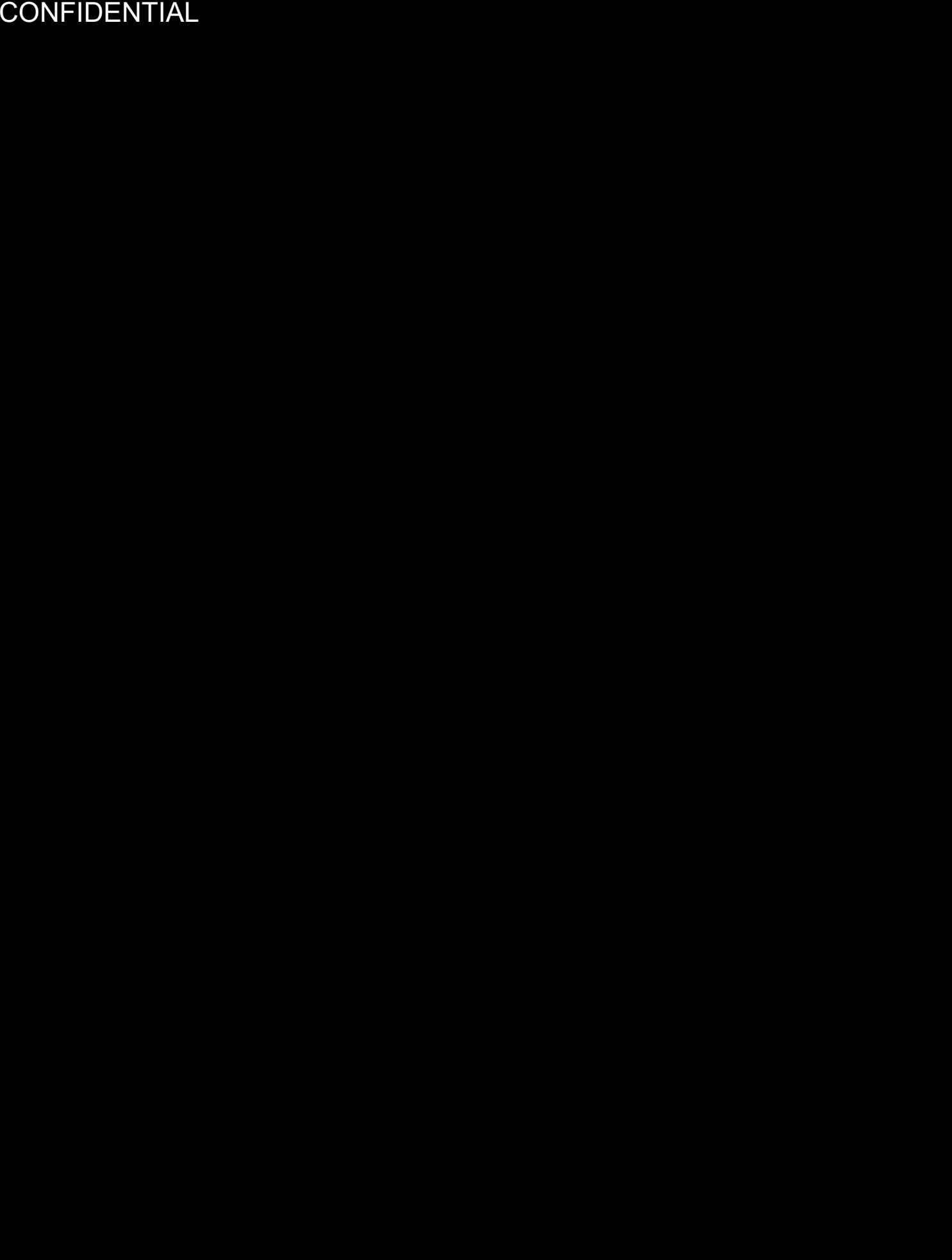


CONFIDENTIAL



CONFIDENTIAL







**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 11 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**GENERAL CIGAR CO., INC.’s RESPONSES AND OBJECTIONS TO EMPRESA  
CUBANA DEL TABACO, d.b.a. CUBATABACO’S THIRD SET OF REQUESTS FOR  
THE PRODUCTION OF DOCUMENTS**

**PROPOUNDING PARTY:** EMPRESA CUBANA DEL TABACO (“Cubatabaco”)

**RESPONDING PARTY:** GENERAL CIGAR CO., INC. (“General Cigar”)

**SET NUMBER:** Three (3)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R.  
§ 2.120, Respondent General Cigar hereby serves the following Responses and Objections to  
Petitioner Cubatabaco’s Second Set of Requests for the Production of Documents.

## **RESPONSES APPLICABLE TO ALL REQUESTS**

A. Each Response includes, without limitation, the information and specifics provided in the documents cited in the Response, pursuant to Section 405.04(b) of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) (June 2017) and Rule 33(d) of the Federal Rules of Civil Procedure.

### **GENERAL OBJECTIONS**

1. General Cigar responds to each Request subject to the general objections set forth herein. These limitations and objections form a part of the response to each Request. These limitations and objections may be specifically referred to in a response to certain Requests for the purpose of clarity. However, the failure to incorporate specifically a general objection is not a waiver of such objection.

2. General Cigar objects to the definitions of “General Cigar,” “Registrant,” “Respondent” “you” and “your” to the extent they are overly broad and unduly burdensome and are calculated to seek irrelevant and/or privileged information, as defined below.

3. General Cigar objects to the definition of “document” or “Document” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that the enumerated list seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board. General Cigar will respond in accordance with its obligations under the applicable rules governing this action.

4. General Cigar additionally objects to the inclusion of “Computer generated or stored documents, including computer files or data, electronic mail, and information stored on hard disk which has been erased but is retrievable” within the definition of “document” or

“Document” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board. Additionally, General Cigar objects to this Definition as overly broad and not proportional to the needs of the case to the extent that the Petitioner seeks to obtain metadata for such Documents because Petitioner has maintained that the production of metadata for electronically stored information is not required for discovery and has affirmatively refused to produce any similar metadata. Further, General Cigar specifically objects to any and all inspections of General Cigar’s computer system as overly broad, unduly burdensome, not proportional to the needs of this case, and constituting impermissible discovery on discovery under Fed. R. Civ. P. 26.

5. General Cigar objects to the Definition of “concerning,” “relates to” or thereto,” “relating to” or “thereto” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board.

6. General Cigar objects to Instruction 1 as unduly burdensome to the extent that it imposes on General Cigar an obligation to provide supplemental responses that is in excess of or different from General Cigar’s obligations to supplement its responses under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board.

7. General Cigar objects to Instruction 3 as unduly burdensome to the extent that it imposes on General Cigar an obligation to log privileged documents in a manner that is in excess

of or different from General Cigar's obligations to log privileged documents under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board.

8. General Cigar objects to Instruction 5 to as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under Rule 34 of the Federal Rules of Civil Procedure and the TBMP, and to the extent that Instruction 5 requires General Cigar to produce documents that are not in its possession, custody or control or produce documents that are not maintained in the ordinary course of business.

9. General Cigar objects to Instruction 7 as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board.

10. General Cigar objects to Instruction 15 to the extent it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the TBMP and the orders and/or directives of the Board.

11. General Cigar objects to the Requests to the extent that they seek production or disclosure of privileged information. General Cigar will not produce or disclose documents or information considered to be the subject of attorney-client privilege, the work product doctrine, or any other applicable claim, law, or rule of privilege or immunity ("privileged information") in response to the Requests, and General Cigar's responses exclude all privileged information.

12. General Cigar objects to the Requests to the extent that they request the production or disclosure of information that is neither relevant to any party's claim or defense in the pending Cancellation Proceeding nor proportional to the needs of this Cancellation Proceeding.

13. General Cigar objects to the Requests to the extent that they are vague, ambiguous, overly broad and/or unduly burdensome.

14. In making these objections, General Cigar does not waive or intend to waive (a) any objection as to competency, relevancy, materiality, or admissibility of any information that may be produced or disclosed in response to the Requests; (b) any right to object on any ground to the use of any information that may be produced or disclosed in response to the Requests, or the subject matter thereof, at any subsequent proceeding, including the hearing for this or any other action; and (c) all rights to object on any ground to any Request or any other discovery request.

15. General Cigar's failure to object on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional ground.

16. General Cigar reserves the right to amend or supplement its responses as additional information is learned during further investigation and discovery. General Cigar's responses to the Requests are without prejudice to its right to identify and rely on documents, including at trial, other than those that may be identified herein in any response to a specific Request.

Subject to and without waiving the foregoing, General Cigar responds to the Requests as follows:

**SPECIFIC OBJECTIONS AND RESPONSES TO  
REQUESTS FOR PRODUCTION**

**REQUEST NO. 44:**

The personnel file for Alan S. Willner for his employment with Respondent; and all Documents concerning: any evaluations of Alan S. Willner; any performance reviews of Alan S. Willner; the promotion of Alan S. Willner; the departure of Alan S. Willner from General Cigar in or around late 2016; and any claim made by Alan S. Willner or his attorney concerning his departure from General Cigar, or settlement of same.

**RESPONSE TO REQUEST NO. 44:**

General Cigar objects to this Request as overly broad, unduly burdensome, not proportional to the needs of this Cancellation Proceeding and seeking information that is not discoverable in a Cancellation Proceeding to the extent this Request seeks “all documents” related to Mr. Willner’s personnel file, which are documents that are not relevant to any of the claims or defenses asserted in this Cancellation Proceeding. General Cigar further objects to this Request to the extent that Petitioner seeks the production or disclosure of privileged information related to Mr. Willner’s employment at General Cigar, and to the extent that this Request seeks documents and information created pursuant to, and protected by, Rule 408 of the Federal Rules of Evidence. General Cigar additionally objects to this Request the extent it seeks the production of Documents that are not in General Cigar’s possession, custody or control. General Cigar will not produce documents responsive to this Request.

Dated: New York, New York.  
February 8, 2018

DLA PIPER LLP (US)  
1251 Avenue of the Americas, 27th Floor  
New York, NY 10020-1104  
212.335.4500  
Andrew L. Deutsch  
Airina L. Rodrigues  
Kerry O'Neill

By: /s/ Andrew L. Deutsch

Andrew L. Deutsch

*Attorneys for Respondent General Cigar  
Co., Inc.*



**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have caused to be served: GENERAL CIGAR CO. INC.'S RESPONSES AND OBJECTIONS TO CUBATABACO'S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS by transmitting copies via electronic mail to:

Lindsey Frank  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.  
45 Broadway, Suite 1700  
New York, NY 10006  
(212) 254 - 1111 phone  
[lfrank@rbskl.com](mailto:lfrank@rbskl.com)

Date: February 8, 2018

/s/ Airina L. Rodrigues

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**EXHIBIT 12 TO PETITIONER'S REBUTTAL NOTICE OF RELIANCE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
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**GENERAL CIGAR CO., INC.'s RESPONSES AND OBJECTIONS TO EMPRESA  
CUBANA DEL TABACO, d.b.a. CUBATABACO'S SECOND SET OF  
INTERROGATORIES**

**PROPOUNDING PARTY:** EMPRESA CUBANA DEL TABACO ("Cubatabaco")

**RESPONDING PARTY:** GENERAL CIGAR CO., INC. ("General Cigar")

**SET NUMBER:** Two (2)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R.

§ 2.120, Respondent General Cigar hereby serves the following Responses and Objections to  
Petitioner Cubatabaco's Second Set of Interrogatories.

## **RESPONSES APPLICABLE TO ALL INTERROGATORIES**

A. By agreement of the Parties, General Cigar may identify material from the District Court Litigation by its designation in the District Court Litigation (for example, Trial Exhibit number) without providing Bates number of the material as produced in discovery in the District Court Litigation. As agreed, General Cigar will subsequently provide Bates numbers if Cubatabaco has difficulty in locating the identified material without those numbers.

B. Each Response includes, without limitation, the information and specifics provided in the documents cited in the Response, pursuant to Section 405.04(b) of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) (June 2016) and Rule 33(d) of the Federal Rules of Civil Procedure.

C. As used in this Response:

- a. “District Court Litigation” and “Federal Action” mean *Empresa Cubana del Tabaco d.b.a. Cubatabaco v. Culbro Corporation and General Cigar Co., Inc.*, No. 97 Civ. 8399 (RWS), United States District Court, Southern District of New York;
- b. “DPF” means Defendant’s Proposed Findings of Fact and Conclusions of Law, dated August 20, 2003, in the District Court Litigation;
- c. “D56.1” means Defendant’s Statement of Undisputed Facts in Support of Defendant’s Motion for Summary Judgment pursuant to Rule 56.1, dated November 29, 2001, in the District Court Litigation;
- d. “PX” means Plaintiff’s Trial Exhibits in the District Court Litigation;
- e. “DX” means Defendant’s Trial Exhibits in the District Court Litigation;
- f. “JPTO” means the Joint Pre-Trial Order in the District Court Litigation;

- g. “Opinion” means the Opinion of the District Court in the District Court Litigation, dated March 26, 2004;
- h. “*Empresa*” means the District Court Litigation;
- i. “Written Direct Testimony” means the Written Direct Examination Testimony of a Witness at the trial in the District Court Litigation;
- j. “Tr.” means the Trial Transcript in the District Court Litigation;
- k. “Deposition” means a deposition in the District Court Litigation;
- l. “GC” means the Bates number of the document production of Defendant in the District Court Action;
- m. “GENC” means the Bates number of the document production of Respondents in this proceeding;
- n. “Summary Judgment” refers to the motions for summary judgment in the District Court Litigation;

D. References to a witness’s Written Direct Testimony also includes oral testimony at trial and the Deposition Testimony of the witness on the same subject matter.

E. General Cigar has made a good-faith effort to respond to these Interrogatories based upon information that is currently known and available to it after a diligent and reasonable investigation. General Cigar believes that these Responses are accurate as of the date made. However, General Cigar reserves the right to supplement or amend these Responses as may be appropriate, particularly in the event that it subsequently obtains or becomes aware of additional facts, witnesses, documents, or information that warrant such supplementation or amendment. The following Responses are made without prejudice to General Cigar’s right to produce

subsequently discovered facts, witnesses, documents, or things, or to supplement or amend its Responses as may be appropriate.

F. General Cigar is willing to discuss its Objections and Responses in a good-faith attempt to resolve or narrow any differences between the parties.

### **GENERAL OBJECTIONS**

1. General Cigar objects to the definition of “General Cigar,” “Registrant,” and “Respondent” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that Petitioner’s definition seeks information from “any predecessor corporation or Entities” and “any of its current or former principals, shareholders, directors, officers, employees, agents or representatives, and all Persons acting on its behalf.”

2. General Cigar objects to the definition of “document” or “Document” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that the enumerated list seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the orders and/or directives of this Board. General Cigar will respond in accordance with its obligations under the applicable rules governing this action.

3. General Cigar additionally objects to the inclusion of “Computer generated or stored documents, including computer files or data, electronic mail, and information stored on hard disk which has been erased but is retrievable” within the definition of “document” or “Document” as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the orders and/or directives of this Board. Additionally, General Cigar objects to

this Definition as overly broad and not proportional to the needs of the case to the extent that the Petitioner seeks to obtain metadata for such Documents because Petitioner has maintained that the production of metadata for electronically stored information is not required for discovery and has affirmatively refused to produce any similar metadata. Further, General Cigar specifically objects to any and all inspections of General Cigar's computer system as overly broad, unduly burdensome, not proportional to the needs of this case, and constituting impermissible discovery on discovery under Fed. R. Civ. P. 26.

4. General Cigar objects to the Definition of "Identify" as irrelevant, overly broad, and unduly burdensome to the extent that it seeks information not proportional to the needs of this case. Notwithstanding the above-stated Objection, and without waiving its Objection to Paragraph 5 of Petitioner's Definitions, General Cigar will provide relevant metadata and other information reasonably available to it that could be located with reasonable diligence.

5. General Cigar objects to the Definition of "concerning," "relates to" or thereto," "relating to" or "thereto" as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose upon General Cigar any burden or obligation in excess of or different from those required under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the orders and/or directives of this Board.

6. General Cigar objects to Instruction 5 as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that it requires each Response to "identify" every "Person" and "document" related to the response. General Cigar incorporates by reference its objection to each of those terms into its objection to Instruction 5.

7. General Cigar objects generally to the Interrogatories, to the extent that they require General Cigar to "set forth with specificity all facts" relating to a subject matter as well

as identify all documents relating to that subject matter. Production of business records from which an answer to an Interrogatory may be determined by examination thereof is a proper answer to interrogatories under Fed. R. Civ. P. 33(d), and a responding party is given an option to produce business records in lieu of a listing of facts.

8. General Cigar objects generally to the Interrogatories, including but not limited to the Definitions and Instructions on pages 2-5, to the extent that they purport to impose obligations or actions beyond those required by the Rules of Practice in Trademark Cases (*i.e.*, 37 C.F.R. Part 2), the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), and the Federal Rules of Civil Procedure. General Cigar responds to the Interrogatories only to the extent required by these rules and procedures, and subject to the above-stated objection.

9. General Cigar objects generally to the Interrogatories to the extent that they seek production or disclosure of privileged information. General Cigar will not produce or disclose documents or information considered to be the subject of attorney-client privilege, the work product doctrine, or any other applicable claim, law, or rule of privilege or immunity (“privileged information”) in response to the Interrogatories, and General Cigar’s responses exclude all privileged information.

10. General Cigar objects generally to the Interrogatories to the extent that they request the production or disclosure of information that is neither relevant to any party’s claim or defense in the pending Cancellation nor proportional to the needs of the case.

11. General Cigar objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad and/or unduly burdensome.

12. In making these objections, General Cigar does not waive or intend to waive: (a) any objection as to competency, relevancy, materiality, or admissibility of any information that



may be produced or disclosed in response to the Interrogatories; (b) any right to object on any ground to the use of any information that may be produced or disclosed in response to the Interrogatories, or the subject matter thereof, at any subsequent proceeding, including the hearing for this or any other action; and (c) all rights to object on any ground to any Interrogatory or any other discovery request.

Subject to and without waiving the foregoing, General Cigar responds to the Interrogatories as follows:

**SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 39:**

For each Document as to which each of the following page(s) is a part, Identify (as “Identify” is defined above in Definitions, paragraph 6(a)) the Person or Persons who authored the Document and the Person or Persons who authored the material in the Document concerning COHIBA. If the Document was not authored by an employee of Respondent, Identify the entity which created the Document, and Identify (as “Identify” is defined above in Definitions, paragraph 6(a)) the Person or Persons at Respondent who received the Document. Pages:

GENC0000657 – GENC0000678	GENC0003910 – GENC0003971
GENC0000980 – GENC0000981	GENC0005237 – GENC0005471
GENC0001410 – GENC0001434	GENC0005480 – GENC0005578
GENC0001435 – GENC0001504	GENC0005579 – GENC0005577
GENC0001509 – GENC0001534	GENC0009254 – GENC0009255
GENC0001535 – GENC0001548	GENC0015200 – GENC0015205
GENC0001857 – GENC0001876	GENC0015346 – GENC0015347
GENC0001937 – GENC0001957	GENC0015469 – GENC0015470

GENC0001959 – GENC0001973	GENC0018813 – GENC0018902
GENC0001975 – GENC0002007	GENC0018903 – GENC0018924
GENC0002009 – GENC0002065	GENC0018925 – GENC0018932
GENC0002544 – GENC0002569	GENC0028046 – GENC0028087
GENC0003699 – GENC0003708	GENC0028376 – GENC0028505
GENC0003729 – GENC0003756	GENC0028509 – GENC0028611
GENC0003853 – GENC0003856	GENC0028718 – GENC0028826
GENC0003857 – GENC0003894	GENC0028960 – GENC0029056

**RESPONSE TO INTERROGATORY 39:**

General Cigar objects to the Definition of “Identify” as irrelevant, overly broad, unduly burdensome to the extent that it seeks information not discoverable, or not properly limited in scope under the proportionality standard set forth under Rules 26 and 34 of the Federal Rules of Civil Procedure. General Cigar further objects to Interrogatory 39 as compound, consisting of 32 separate Interrogatories. Notwithstanding the above-stated Objection, and without waiving its Objection to Paragraph 5 of Petitioner’s Definitions, General Cigar will provide relevant metadata and other information reasonably available to it that could be located with reasonable diligence. General Cigar further notes that not every Document contains the same categories of metadata that may described with respect to any of the individual Documents described herein.

**Response To GENC0000657 – GENC0000678:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: Metadata for GEN0000657 – GENC0000678

is not available. A PDF copy of this hard copy document was created on December 6, 2016. The identity of the author of this document is unknown to General Cigar.

**Response To GENC0000980 – GENC0000981:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GEN0000980 – GENC0000981 is a Word document brand summary authored and produced by Steve Abbot, Senior Market Activation Brand Manager, Cohiba. Additionally, GEN0000980 – GENC0000981 was created on August 31, 2016.

**Response To GENC0001410 – GENC0001434:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: Metadata for GENC0001410 – GENC0001434 is not available. A PDF copy of this hard copy document was created on December 6, 2016. General Cigar identifies the author of the hard copy document, titled Cohiba “2012 Brand Plan” as Lars Dalberg who was, at the time, the Senior Strategy and Business Development Director at Scandinavian Tobacco Group.

**Response To GENC0001435 – GENC0001504:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0001435 – GENC0001504 is a PowerPoint entitled “Cohiba Brand Book” created on October 16, 2009. The identity of the author of the document is unknown to General Cigar. The document’s custodian is Gene Richter, Vice President of Sales at General Cigar Company.

**Response To GENC0001509 – GENC0001534:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0001509 – GENC0001534 is a Scandinavian Tobacco Group PowerPoint presentation of the 2012 Brand Plan, with the File Name “Cohiba Brand Plan 11-3.pptx”, authored by Lars Dalberg who was, at the time, the Senior Strategy and Business Development Director at Scandinavian Tobacco Group. GENC0001509 – GENC0001534 was created on March 11, 2010.

**Response To GENC0001535 – GENC0001548:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0001535 – GENC0001548 is a PowerPoint presentation with the file name “Cohiba Red Hot.pptx” authored by Gerald Densk and created on March 5, 2009.

**Response To GENC0001857 – GENC0001876:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0001857 – GENC0001876 is a PowerPoint presentation initially created March 11, 2010 and authored by Lars Dalberg who was, at the time, the Senior Strategy and Business Development Director at Scandinavian Tobacco Group. The document is titled “Cohiba 2013 brand plan for BILL 7.19.12.pptx.” Based on the title, this version of the document appears to have been modified on July 19, 2012.

**Response To GENC0001937 – GENC0001957:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0001937 – GENC0001957 is a PowerPoint presentation created on October 30, 2012, with the file name “Final 2013 Cohiba presentation Regions 11.14.12.pptx.” GENC0001937 – GENC0001957 was authored by Ed

Lahmann who was, at that time, Brand Manager at General Cigar Company, and who is currently a Senior Brand Manager at General Cigar Company.

**Response To GENC0001959 – GENC0001973:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar's Response to GENC0001857 – GENC0001876. General Cigar adds that this version of the document appears to have been modified on June 12, 2012. The identity of the person making the modification cannot be determined by General Cigar.

**Response To GENC0001975 – GENC0002007:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar's Response to GENC0001857 – GENC0001876. General Cigar adds that this version of the document appears to have been modified on October 22, 2012. The identity of the person making the modification cannot be determined by General Cigar.

**Response To GENC0002009 – GENC0002065:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar's Response to GENC0001857 – GENC0001876. General Cigar adds that this version of the document appears to have been modified on September 24, 2012. The identity of the person making the modification cannot be determined by General Cigar.

**Response To GENC0002544 – GENC0002569:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar's Response to GENC0001857

– GENC0001876. The author of this document is unknown to General Cigar. General Cigar adds that this version appears to have been modified on November 3, 2011. The identity of the person making the modification cannot be determined by General Cigar.

**Response To GENC0003699 – GENC0003708:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0003699 – GENC0003708 is a PowerPoint presentation created on November 17, 2016, authored by Andres Maturen, Marketing Activation Manager, General Cigar Company.

**Response To GENC0003729 – GENC0003756:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0003729 – GENC0003756 is a PDF document with the file name “COHIBA 2017 Execution Plan V1.1 – Moose Brief.pdf.” GENC0003729 – GENC0003756 was authored by Andres Maturen, Marketing Activation Manager, General Cigar Company.

**Response To GENC0003853 – GENC0003856:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0003853 – GENC0003856 is a PowerPoint with the file name “2017\_Innovation\_Aligned\_Volume\_Sep2016.pptx.” GENC0003853 – GENC0003856 was created on May 6, 2015 by Gus Martinez, Director of Brand Marketing, General Cigar Company.

**Response To GENC0003857 – GENC0003894:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0003857 – GENC0003894 is a

PowerPoint Presentation with the file name “2017 GCC Brand Plan 5-11-16.pptx,” created on April 4, 2016. It was authored by Gus Martinez, Director of Brand Marketing, General Cigar Company.

**Response To GENC0003910 – GENC0003971:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar’s Response to GENC0003857 – GENC0003894. General Cigar adds that this version of the document appears to have been modified on April 12, 2016. The identity of the person making the modification cannot be determined by General Cigar.

**Response To GENC0005237 – GENC0005471:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0005237 – GENC0005471 is a PDF document with the file name “Premium Cigar Segmentation Study – July 2008.pdf” and was authored by David Thomas Cullen.

**Response To GENC0005480 – GENC0005578:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0005480 – GENC0005578 is a PowerPoint presentation with the file name “GCC Competitive and Lifestyle Study 2013.pptx” and was created on February 20, 2013. The author of GENC0005480 – GENC0005578 was Liza Briggs..

**Response To GENC0005579 – GENC0005577:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar is unable to determine which document is intended by GENC0005579 – GENC0005577 and requests that Cubatabaco provide clarification.

**Response To GENC0009254 – GENC0009255:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0009254 – GENC0009255 is a Word document with the file name “Cohiba.com Brief 7-31-14.docx” and was created on July 31, 2014. GENC0009254 – GENC0009255 was authored by Ed Lahmann who was, at that time, Brand Manager at General Cigar Company, and who is currently a Senior Brand Manager at General Cigar Company.

**Response To GENC0015200 – GENC0015205:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0015200 – GENC0015205 is a PowerPoint Presentation with the file name “Cohiba Nic\_Overivew\_for\_Dan\_7 11 14.pptx” created on June 11, 2013. GENC0015200 – GENC0015205 was authored by Ed Lahmann, at that time, Brand Manager at General Cigar Company, and who is currently a Senior Brand Manager at General Cigar Company.

**Response To GENC0015346 – GENC0015347:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0015346 – GENC0015347 is a Word document with the file name “Cohiba Nicaragua Video Brief.docx,” created on October 7, 2014 and authored by Victoria McKee, Director of Digital Marketing and Communications at General Cigar Company. General Cigar refers Petitioner to GENC0015345 for additional information.



**Response To GENC0015469 – GENC0015470:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0015469 – GENC0015470 is a Word document with the file name “Cohiba Nicaragua.docx” created on July 16, 2014 by Alan Willner, former Vice President of Marketing, General Cigar Company. General Cigar also refers Petitioner to GENC0015468 for additional information.

**Response To GENC0018813 – GENC0018902:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0018813 – GENC0018902 is a PDF copy of a document created on September 16, 2016 with the file name “GCC\_Q2&3\_Social\_Quarterly\_Review(9.14.16).pdf.” The identity of the author of the document is unknown to General Cigar.

**Response to GENC0018903 – GENC0018924:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0018903 – GENC0018924 is a PowerPoint presentation authored by Alan Willner, former Vice President of Marketing, General Cigar Company, created on October 13, 2015. The file name of this document is “GCCSocialComp\_Aug1216.pptx” and the identity of the person who modified the document is unknown to General Cigar.

**Response to GENC0018925 – GENC0018932:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0018925 – GENC0018932 is a PDF

copy of a document created on April 29, 2014 with the file name “CW Q114 Dashboard Final.pdf”. The identity of the author of the document is unknown to General Cigar.

**Response to GENC0028046 – GENC0028087:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0028046 – GENC0028087 is a PDF Document created on June 21, 2016, with the file name “2016 H2 Presentation JR – 062116.pdf” by David Pace, Customer Marketing Manager and Director of Strategic Accounts, General Cigar. The custodian of GENC0028046 – GENC0028087 is Chris Rohr, National Account Manager, General Cigar Company. General Cigar also refers Petitioner to GENC0028045 for additional information.

**Response To GENC0028376 – GENC0028505:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0028376 – GENC0028505 is a PowerPoint Presentation with the file name “COOPER – GCC Case studies MRGL.ppt.” GENC0028376 – GENC0028505 was created on January 22, 2011 by Maya Reti. The custodian for GENC0028376 – GENC0028505 and the location of the document is the Marketing Share Drive for General Cigar Company.

**Response To GENC0028509 – GENC0028611:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar states as follows: GENC0028509 – GENC0028611 is a Word document created on January 22, 2011 with the file name “Copy of GCC 2006 Marketing Plan Draft #4 Presentation Draft.doc” The custodian for GENC0028376 – GENC0028505 and where

the document is housed is the Marketing Share Drive for General Cigar Company. The identity of the author of the document is unknown to General Cigar.

**Response To GENC0028718 – GENC0028826:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, and because this document is a duplicate of GENC0028509 – GENC0028826, General Cigar refers Petitioner to General Cigar’s Response to GENC0028509 – GENC0028826.

**Response To GENC0028960 – GENC0029056:**

Subject to and without waiving the Specific Objections listed in Response to Interrogatory 39, General Cigar refers Petitioner to General Cigar’s Response To GENC0028509 – GENC0028826. General Cigar adds that this version of the document appears to have been modified on September 7, 2005 and the file name for the document is “General Cigar.doc.” The identity of the person making the modification cannot be determined by General Cigar.

Dated: New York, New York.  
April 28, 2017

DLA PIPER LLP (US)  
1251 Avenue of the Americas, 27th Floor  
New York, NY 10020-1104  
212.335.4500  
Andrew L. Deutsch  
Airina L. Rodrigues  
Kerry O’Neill

By: /s/ Andrew L. Deutsch

Andrew L. Deutsch

*Attorneys for Respondent General Cigar  
Co., Inc.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

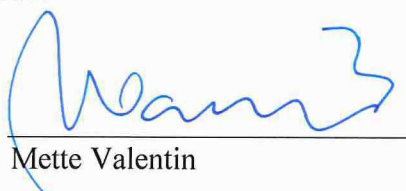
-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**VERIFICATION**

I, Mette Valentin, Senior Vice President, Legal and Public Affairs of Scandinavian Tobacco Group, parent company to General Cigar, have read Respondent, General Cigar's Responses to Petitioner's Second Set of Interrogatories and verify that they are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2017.

  
\_\_\_\_\_  
Mette Valentin

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have caused to be served: GENERAL CIGAR CO. INC.'S RESPONSES AND OBJECTIONS TO CUBATABACO'S SECOND SET OF INTERROGATORIES by transmitting copies via electronic mail to:

David B. Goldstein  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.  
45 Broadway, Suite 1700  
New York, NY 10006  
(212) 254 - 1111 phone  
[dgoldstein@rbskl.com](mailto:dgoldstein@rbskl.com)

Date: April 28, 2017

/s/ Andrew L. Deutsch

Andrew L. Deutsch